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Objective:

To identify instances when Tuality Health Alliance (THA) may disclose an individual's protected health information to a business associate of THA, and to specify provisions that must be included in THA contracts with business associates.

Policy:

- I. Tuality Health Alliance (THA) shall comply with the Health Insurance Portability and Accountability Act (HIPAA) of 1996 by establishing Business Associate Agreements with third parties with whom Private Health Information (PHI) may be exchanged or shared so THA can perform the necessary functions to operate as a covered health care entity.
- II. By law, the HIPAA Privacy Rule applies to covered entities - health plans, healthcare clearinghouses and certain health care providers. For the purpose of this policy, covered entity is defined as THA and THA's Business Associates.
- III. Most health care providers (like THA) do not carry out all of their healthcare activities and functions without interaction with other entities within the health care industry. Instead, they often use the services of a variety of other persons or businesses. The Privacy Rule allows covered entities to disclose PHI to these "Business Associates" if the covered entity obtains satisfactory assurances that the Business Associate will:
 - A. Use the information only for the purpose for which it is engaged by THA
 - B. Will safeguard the information from misuse
 - C. Will help THA comply with THA's duties under the Privacy Rule.
- IV. THA may disclose and exchange PHI to other persons or businesses in its role as a Business Associate only to assist the covered entity in carrying out its health care functions. PHI is not to be used for the Business Associate's independent use or purposes. The exception to this is if the

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information is needed for the proper management and administration of the business associate. THA will only share the minimum information necessary for the third party to perform the required business operations requested by THA. (HIPAA 164.502 (e)).

- IV. THA follows Tuality Healthcare's policy O-97 F Business Associate Relationships in its entirety.

References: 45 CFR 160 & 164
THC Policy O-97F

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THA Plan Director

THA Medical Director