



Travis County Technology & Security Policies

Business Associate Agreements Policy - HIPAA

Policy #: TC-ITS-115
Version #: 1.2

Approved By: Paul Hopingardner, County Executive, Technology & Operations
Effective Date: May 30, 2015

Accountability & Responsibility

This policy is governed by the accountability and responsibility section found [here](#).

Purpose

The purpose is to obtain satisfactory assurances that the business associate will appropriately safeguard all sensitive information in accordance with applicable regulations.

Policy

Travis County will identify all organizations that process sensitive information on behalf Travis County, as well as all organizations for which Travis County collects, processes, or transmits sensitive information. All such business partners will require the implementation of a Business Associate Agreement(s) executed by Travis County.

Travis County will execute a Business Associate Agreement with all subcontractors used in association with all organizations for which Travis County collects, processes, maintains, or transmits sensitive information. A data use agreement may qualify as a business associate's satisfactory assurance that it will appropriately safeguard the covered entity's ePHI when the ePHI disclosed for a health care operations purpose is a limited data set.

Procedure(s)

Each organization that receives, transmits, or processes protected health information on behalf of Travis County must enter into a Subcontractor Business Associate Agreement (Subcontractor BAA) with Travis County.

Travis County will establish the flow of sensitive information to all outside entities and identify how such information is transmitted and the requirements for processing sensitive information at the subcontractor site.

Travis County will review all existing Subcontractor BAAs and ensure that all such agreements are modified with Addenda or revised for compliance with impacted regulations.

The termination of an agreement with the subcontractor must result in return or destruction of all sensitive information by the subcontractor.

Subcontractors must train all members of their workforce who process or come into contact with sensitive information. This training must include awareness of the requirements of the appropriate regulation as well as information about the subcontractor's security policies and procedures.

Travis County must have the right to audit the subcontractor in the event of violations related to its sensitive information.

Travis County must reserve the right to take "reasonable steps" including canceling the Subcontractor BAA without penalty.

If the subcontractor intends to process or transmit Travis County sensitive information outside the United States of America, then Travis County will be informed of specific details related to such processing or transmission and reserves the right to not authorize any such flow of sensitive information.

Subcontractors must comply with the following HIPAA standards:

- 164.308—Administrative Safeguards
- 164.310—Physical Safeguards
- 164.312—Technical Safeguards
- 164.316—Policies and procedures and documentation requirements
- 164.504(e)—Uses and disclosures: Organizational requirements



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Subcontractors must comply with all applicable HITECH regulations.

A subcontractor of a business associate that accesses, maintains, retains, modifies, records, stores, destroys, or otherwise holds, uses, or discloses unsecured protected health information shall, following the discovery of a breach of such information, notify the covered entity of such breach within 72 hours of its discovery. Such notice shall include the identification of each client whose unsecured protected health information has been or is reasonably believed by the business associate to have been, accessed, acquired, or disclosed during such breach.

A subcontractor may not receive compensation in exchange for any protected health information without authorization from the client—except for Public Health Activities, Research, Treatment, Health Care Operations, Exchanges with Business Associate, with client, or as otherwise determined by the Secretary of Health and Human Services.

Travis County may account for their own disclosures of client information and then provide the name and contact information of the subcontractor for additional disclosure details. If requested by the client, the subcontractor must account for their disclosures under a separate cover.

Policy Revision

Version	Purpose/Changes	Editor	Date
1.0	Travis County Information Technology Services Information Security Policies Creation	Randy Lott	05/30/2015
1.1	Updated name of CIO	Randy Lott	12/18/2017
1.2	Updated policy number from 107 to 115 and updated approver title.	Joyce Miller	11/20/2019