

Transitional Compliance Period for Business Associate Agreements Ended on September 22, 2014

We've discussed businesses associates before and the need for hospitals, physicians, and other health care providers to have proper business associate agreements in place with third party vendors handling protected health information. In today's post, we want to highlight the recent termination of a transitional compliance period, which ended on September 22, 2014. **Extended HIPAA Reach** In January 2013 the Department of Health and Human Services ("HHS") released an omnibus rule to extend the reach of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") pursuant to the Health Information Technology for Economic and Clinical Health Act ("HITECH Act"). Among other items, the rule expanded on the provisions required to be in business associate agreements to include compliance obligations regarding the Security Rule for electronic protected health information, reporting obligations regarding breaches of unsecured protected health information, and additional restrictions and obligations on the part of subcontractors that receive or create protected health information. **Transitional Compliance Period** However, to help ease compliance with this extension, the rule also allowed for a transition period for health care providers to adjust their vendor agreements. Specifically, the rule said that health care providers with business associate agreements in place before January 25, 2013 (that were not modified on or after March 26, 2013) must amend their business associate agreements as necessary by September 22, 2014 to come into compliance with HIPAA and the HITECH Act. **Moving Forward** Although your practice should have conducted a review of its business associate agreements prior to the end of this transactional compliance period, we suspect many providers ran out of time prior to conducting such a review. If you are in that situation and need assistance with amending your existing business associate agreements, or assistance with your template agreements you use with third parties, our Health Care Attorneys would be happy to discuss your legal needs with you. Image: Thinkstock/Serdarbayraktar **This article is very general in nature and does not constitute legal advice. Readers with legal questions should consult with an attorney prior to making any legal decisions.*