

C.M. SMITH AGENCY, INC.

FEBRUARY 2010 DID YOU *KNOW*?

BUSINESS ASSOCIATE AGREEMENTS NEED TO BE UPDATED FOR ARRA COMPLIANCE

As you may be aware, Congress enacted the American Recovery and Reinvestment Act of 2009 (ARRA), which imposes obligations on Business Associates and covered entities covered under the Health Insurance Portability and Accountability Act (HIPAA). ARRA significantly changed the scope of HIPAA compliance, including specific requirements regarding breach notifications, stronger, more defined penalties for breaches, and outlines to the "minimum necessary standards" for use of Protected Health Information (PHI).

ARRA also specifically provides for direct regulation of Business Associates. As such,

group health plans are required to modify existing Business Associate Agreements (BAA), thereby extending certain requirements of the HIPAA Privacy and Security Rules to the Business Associate.

Effective Date

The regulations are effective on February 17, 2010, however, to ensure compliance and avoid potential penalties, HHS has indicated that all revised Business Associate Agreements must be in place by February 22, 2010.

C.M. SMITH AGENCY, INC.

Client Service Manager Team
C.M. Smith Agency, Inc.
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