

STATE OF ALASKA DEPARTMENT OF HEALTH
HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996
("HIPAA")

ACKNOWLEDGEMENT OF BUSINESS ASSOCIATE RESPONSIBILITIES

The HITECH Act of 2009 expanded the HIPAA Security and Privacy Rules to include Business Associates (**BA**). It made **BAs** directly responsible and liable for their own compliance with HIPAA. Under the HITECH Act, the **BA** has the same requirement as the Covered Entity (**CE**), to safeguard the **CEs** protected health information (**PHI**) and prevent data breaches. (<https://www.hipaajournal.com/what-is-the-hitech-act/>)

As the **CE**, the State of Alaska, Department of Health (**DOH**) created this document to ensure that the **BA** named below understands that they are required to comply with the HIPAA and HITECH Acts.

By signing this document, **BA** attests that they understand and agree to (the below list is not exhaustive):

1. Implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the **PHI** that **BA** creates, receives, maintains, or transmits on behalf of the **CE**.
2. Ensure any agent, including any subcontractors, to whom **BA** deems has a business need to use or disclose **CEs** **PHI**, agrees to implement reasonable and appropriate safeguards to protect **CEs** **PHI** in accordance with HIPAA/HITECH, and is appropriately issued a Business Associate Contract (**BAC**).
3. Report to the **CE**, without unreasonable delay and no later than 60 days from the discovery of the breach, any breach of **PHI** as specified in the HIPAA Breach Notification Rule. (<https://www.hhs.gov/hipaa/for-professionals/breach-notification/index.html>)
4. Authorize termination of the business relationship by the **CE**, if the **CE** determines the **BA** has violated a material term of the **CEs** **BAC**.
5. Comply with **CEs** security assessment process, defined by **CEs** Department Security Office (**DSO**).
 - a. The assessment currently consists of a subset of 92 controls from the NIST 800-53 r.4 control set (subject to change). The **BA** will provide;
 - i. Verbose responses to each assessment question (all apply).
 - ii. Supporting documentation for assessment questions, where referenced in the responses, or requested by the Security Assessor.
 - iii. Timely responses and compliance with the **DOH** Security Assessor's requests for information.
 - iv. Timely responses and compliance with the **DOH** Security Designee's requests for information.
6. The system will not go live until Authority to Operate is issued by the **CE**.

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In witness thereof, the **BA** has duly executed this attestation, as of the effective date.

Business Associate Name: _____

Signature: _____

Printed name: _____

Title: _____

Date: _____