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Checklist for Reviewing Business Associate Agreements

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Here’s a template to help covered entities review their business associate agreements (BAAs). It was developed by Regina Alexander, a principal with BerryDunn. It also could be “reverse engineered for a business associate/vendor to review all the BAAs they have signed,” she said (see story, p. 1). Contact Alexander at ralexander@berrydunn.com.

BAA checklist

Business Associate (BA)/Vendor name		Reviewer initials	
Internal AP account # (if applicable)		Date reviewed	
Date of original contract/agreement		Remediation pending? [Y/N]	
Renewal/expiration date of original contract/agreement		Initial review status	
Internal Business Lead/Department Overseeing Vendor/BA		Final review status	
Type of service provided by vendor/BA		Risk level of vendor/BA	
Review Step	Response	Follow-up needed? [Y]	Additional notes/observations
Business Associate Agreement (BAA) on-file? (Y/N)			

Format of BAA (hard copy, electronic)			
Is the BAA fully executed? (Y/N, if no, describe deficiency)			
If yes to BAA, date executed by CE & Name of Designee			
If yes to BAA, date executed by BA & Name of Designee			
Do the parties executing the BAA still represent the organizations? (Y/N)			
Is the contact information for notifications accurate for both parties? (Y/N)			
What is the time frame for the BA to notify the CE of a security incident or breach of PHI?			
What is the method of notification? (U.S. mail, fax, hand delivery, overnight, etc.)			
Is the BAA boilerplate (HHS OCR Sample Template, no special provisions)? (Y/N)			
If the BAA contains special/custom terms, do the terms include indemnification for losses? If yes, how much?			
If the BAA contains special/custom terms, do the terms include cyberinsurance? If yes, how much?			
Other custom terms?			
Are there terms in the Master Services Agreement or contract that potentially conflict with the BAA? (Y/N)			

If yes to conflicting terms, provide examples.			
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