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Due Diligence in Advance

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Here are questions for covered entities to ask before entering into business associate agreements. They were provided by Dena Castricone, an attorney with DMC Law LLC. She noted the materials provided here are for educational purposes only and not as legal advice. Contact Castricone at dena@dmclawllc.com.

Initial Considerations Re: Business Associates

1. Will the vendor have access to protected health information (PHI) in any form to do work for you? If so, the vendor is a business associate (BA).
2. Be sure that you understand exactly what BA access entails (e.g., access to your systems, access to paper records, etc.). Analyze that access to determine whether it is necessary for the BA to carry out its functions for you. Limit access wherever reasonably possible.

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