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The blind spot of the business associate agreement

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In looking at some of the notable Department of Health and Human Services, Office for Civil Rights (OCR) settlements this past year, one trend is emerging: Covered entities failing to have a business associates agreement (BAA) in place. Three such examples are Advanced Care Hospitalists (ACH),^[1] Pagosa Springs Medical Center (PSMC),^[2] and Cottage Health.^[3]

ACH settlement

In September of 2018, the OCR settled with this physician practice for \$500,000 related to a breach involving information viewable on a contracted billing provider's website. The OCR's investigation identified that ACH never executed a BAA with the billing company.

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