

Security Rule Business Associate (SRBA) Agreement

General Usage Guidelines

The SRBA Agreement was formerly called a “Chain of Trust” agreement.

The SRBA Agreement (i.e., Client Information will be handled in accordance with HIPAA) is primarily for use with covered entities (contractors) who use or have access to client PHI.

For example, this Agreement would be used with DMH contractors such as doctors, nurses, psychologists, psychiatrists, community-based providers, etc., who are covered entities.

A SRBA contractor would generally be a medical practitioner/entity that:

1. Is a covered entity;
2. Provides medically related treatment to or for, current or former, DMH clients; and
3. Has access to, or uses, DMH client PHI.

Assurances That Client Information Will Be Handled in Accordance with HIPAA Requirements

(Security Rule BA)

The parties hereto understand and agree that all client information, including, but not limited to name, location, characteristics, health, and treatment shall be treated as confidential, except between the parties hereto, so as to comply with all applicable state and federal laws and regulations regarding the confidentiality of client information, including medical records.

In this regard, the parties hereto also understand and agree that said information may be shared for treatment, payment and healthcare operations as authorized by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and related regulations. Each party agrees that they will comply with HIPAA and are responsible for their own data. When one party shares data with the other, the other party will: (1) use it only for the intended purpose(s), (2) ensure that only those having need or right will have access to it, (3) destroy or return such data to the other if and when necessary, (4) promptly report any breaches to the other party, and (5) cure such breaches within ten working days and advise the other party.

The parties hereto agree that failure to comply with these requirements may require sanctions, up to and including termination of this contract.

Signature

Date