



### Business Associate (BA) Decision Chart

**Workforce:** §160.103  
Means employees, volunteers, trainees, and other persons whose conduct, in the performance of work for OU, is under the direct control of OU, whether or not they are paid by OU:  
Ex: – students, temps, residents

**Functions:** §160.103  
Involving the Use/Disclosure of PHI, including:  

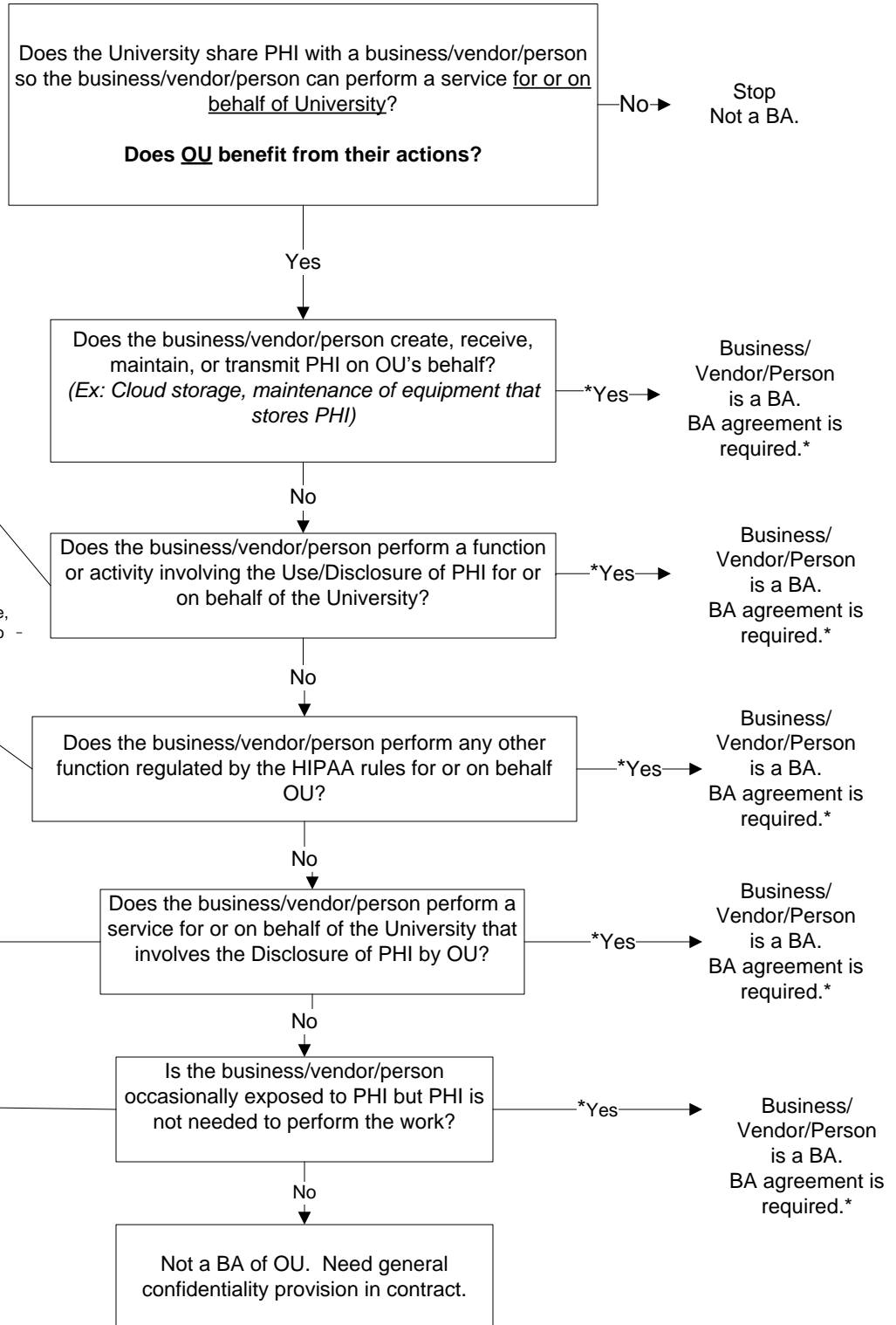
- Claims Processing or Administration Data Analysis, Process, or Administration
- Utilization Review (a health plan might contract with a hospital to perform their UR)
- Quality Assurance
- Billing (ex., *External Billing Service*)
- Benefits Management
- Practice Management
- Repricing

**Functions:** §160.103  
Other functions or activities regulated by HIPAA. For example, does the University contract with a business/vendor/person to manage a technical security program? Is there a contracted firm that receives rosters of patients to survey?

**Services:** §160.103(ii)  

- Legal
- Actuarial
- Accounting
- Consulting
- Data Aggregation. See definition §164.501. (Ex: state hospital association)
- Management
- Administration
- Accreditation – JCAHO, NCAQ, CAP
- Financial Services

Exposure to PHI does not necessarily make a business/vendor/person a BA. Contract housekeeping doesn't need PHI to do their job but may be exposed to patient's information. A confidentiality agreement is appropriate. A courier or postal employee is exposed to PHI in mail it delivers but is not generally a BA. No confidentiality agreement is necessary for typical courier services.



\* Use the University's template Business Associate Agreements available on the HIPAA website, HIPAA Privacy Forms-Clinics. IF IN DOUBT, CONTACT THE UNIVERSITY PRIVACY OFFICIAL OR OFFICE OF COMPLIANCE.