

## STANDARD ADMINISTRATIVE PROCEDURE

### 16.99.99.M0.02 Business Associates Agreement

*Approved April 27, 2020*

*Next scheduled review: April 27, 2025*

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#### SAP Statement

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This standard administrative procedure applies to the Texas A&M University (TAMU) components that have been designated as a TAMU HIPAA Health Care Component (TAMU HIPAA HCC) in Standard Administrative Procedure 16.99.99.M0.01, *Designation as a Hybrid Entity*.

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#### Definitions

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[Click to view Definitions](#)

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#### Official Procedure

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##### 1. RESPONSIBILITIES

- 1.1 This procedure sets forth the requirements necessary to document TAMU efforts to assure Business Associates<sup>i</sup>, agents, and subcontractors comply with HIPAA privacy standards and the TAMU HCC knows about, and has the opportunity to take remedial action regarding, any breach of duty by a Business Associate Implementation of a Business Associate Agreement (BAA).
- 1.2 Each TAMU HCC is required to assure that any Business Associate with whom it shares protected health information (PHI) handles that information in accordance with HIPAA, Standards for Privacy of Individually Identifiable Health Information, 45 CFR Parts 160 and 164, and any and all other federal regulations and interpretive guidelines promulgated thereunder.

##### 2. PROCESS

- 2.1 Texas A&M Research Administration (TAMRA) or TAMU Contract Administration shall process all Business Associate Agreements on behalf of the TAMU HCC after review by the TAMU Privacy Officer.

- 2.2 A Risk Analysis will be performed and a Data Management Plan will be put into place to provide an understanding of the risk to confidentiality, integrity and availability of ePHI. The analysis will follow the methodology determined by the TAMU CISO and TAMU Privacy Officer. When possible, TAMU HCC shall utilize the Business Associates Agreement template approved by the Office of General Counsel.
- 2.3 The Business Associates Agreement must be approved by the TAMU Privacy Officer before forwarding to TAMRA and TAMU Contract Administration.

### 3. VIOLATIONS

The TAMU Privacy Officer has general responsibility for implementation of this procedure. Employees who violate this procedure will be subject to disciplinary action up to and including termination of employment. Anyone who knows or has reason to believe that another person has violated this procedure should report the matter promptly to his or her supervisor or the TAMU Privacy Officer. All reported matters will be investigated and, where appropriate, steps will be taken to remedy the situation. Where possible, every effort will be made to handle the reported matter confidentially. Any attempt to retaliate against a person for reporting a violation of this procedure will itself be considered a violation of this procedure that may result in disciplinary action up to and including termination of employment.

<sup>i</sup> HIPAA Code: §164.502(e)(1)

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**Contact Office**

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**Office of University Risk, Ethics, and Compliance**