

TRADING PARTNER AGREEMENT PROCEDURE

PROCEDURE:

The Designated Attorney or Designee(s) (or his or her designee) will:

1. Identify all organizations with which BHHF electronically exchanges protected health information.
2. Assemble the controlling documents or create new trading partner agreements to govern the exchange of electronic transactions.
3. Include “chain of trust” provisions to safeguard protected health information throughout the process of transmission between BHHF and each trading partner.
4. Include assurances that, in conducting HIPAA standard transactions (see DEFINITIONS), the parties:
 - 4.1. Will not change the definition, data condition, or use of a data element or segment in a standard;
 - 4.2. Will not add any data elements or segments to the maximum defined data set.
 - 4.3. Will not use any code or data elements that are either marked “not used” in the standard’s implementation specification or are not in the standard’s implementation specification(s).
 - 4.4. Will not change the meaning or intent of the standard’s implementation specifications(s).

RATIONALE:

Federal regulations relating to health care information do not require a trading partner agreement. However, where one exists, it may not contain any provision that would interfere with federal transaction standards. Specifically, a trading partner agreement may not contain any provision that would have the effect of doing any of the things listed in #4 under Procedures, above.

These regulations also define a trading partner agreement narrowly to apply only to the electronic exchange of data while conducting a standard transaction (see DEFINITIONS).

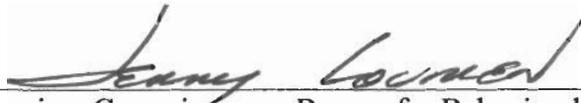
However, the final federal health care privacy regulations require administrative, technical, and physical safeguards to protect health information. The intent of this policy is to provide certain administrative safeguards by establishing contractual responsibilities for both parties to any electronic exchange of protected information, whether related to a standard transaction or not.

REFERENCE: 45 CFR §§ 162.915, 164.530(c)

See also: DISCLOSURE OF PROTECTED HEALTH INFORMATION TO BUSINESS
ASSOCIATES AND OTHER CONTRACTORS

Effective Date: 4/14/03

Revised Dates:



Jerome E. Lovrien, Commissioner, Bureau for Behavioral Health and Health Facilities