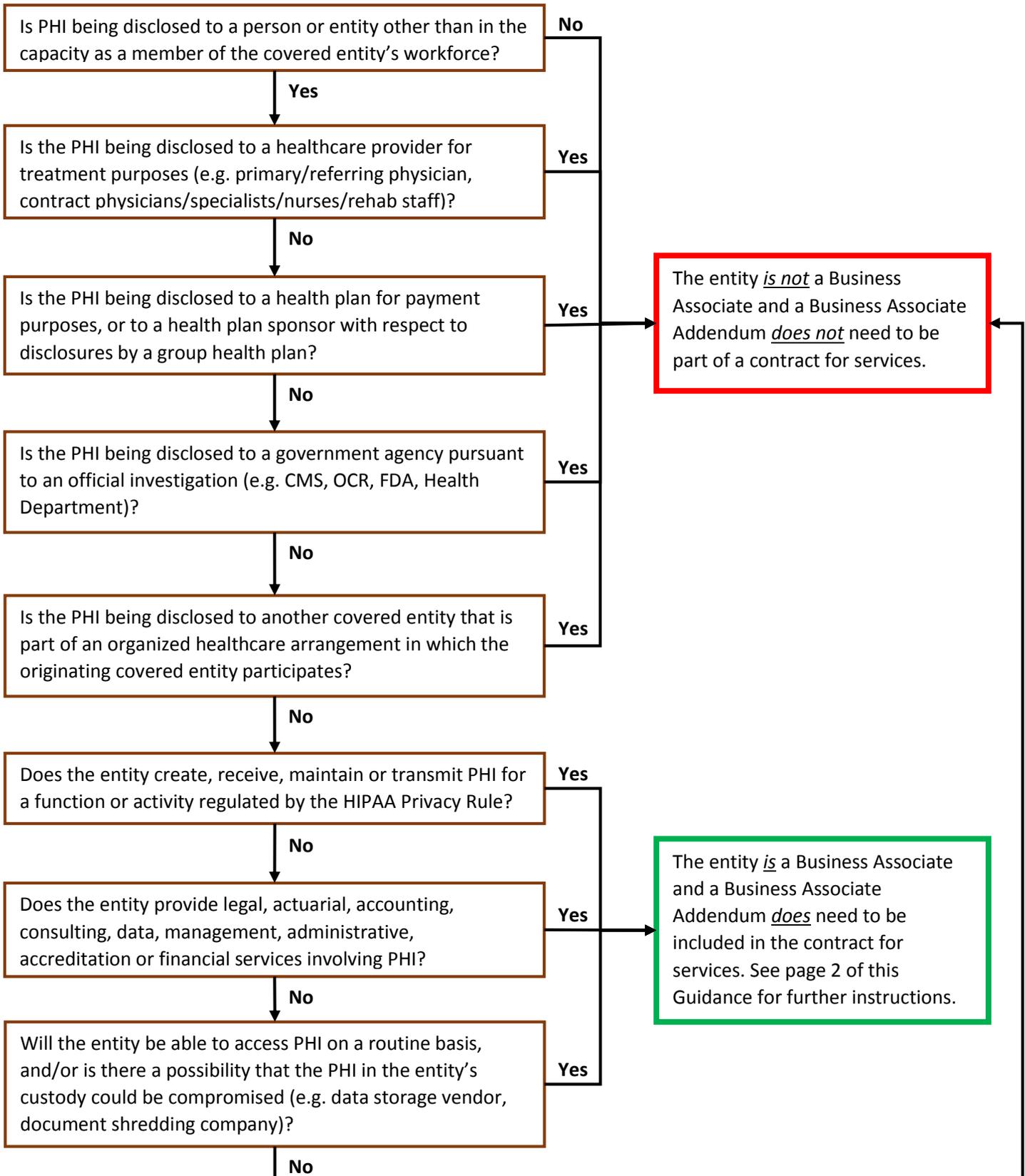


Chart 1: Determining if an Entity is a Business Associate





# Guidance for Investigators:

## Business Associate Arrangements Under The HIPAA Privacy Rule

Once you have determined that an entity involved in the research is a Business Associate per the HIPAA Privacy Rule, ensure that a Business Associate Addendum (BAA) is included in the contract for services with the entity. A BAA is not a stand-alone agreement, as there should be an underlying contract or agreement with the entity that describes the services to be performed.

When establishing Business Associate arrangements, use the [OSF HealthCare BAA Template](#) whenever possible. New Business Associate arrangements, where the OSF HealthCare BAA is attached to the contract for services, should follow the established contract review process.

If modifications to the OSF BAA Template are requested by the entity, or the entity insists on using their own BAA, it should be reviewed by Research Administration and the OSF HealthCare Ministry Privacy Officer before going into the normal contract review process. Please send modified or alternate BAAs to [OSF.ClinicalResearch@osfhealthcare.org](mailto:OSF.ClinicalResearch@osfhealthcare.org) for review.

### How to Complete the [OSF HealthCare BAA Template](#)

Fill-in all the fields in red on the first and last pages of the BAA Template:

- Use the tab key to advance from one field to the next.
- Enter the name of the Local OSF Facility and the Company/Business Associate Name at the top of the first page.
- Enter the date of the new BAA in the first paragraph.
- In the second paragraph (the first “Whereas” clause), enter the Company Name, the Date of Underlying Contract and the Heading of Underlying Contract.
- Enter the names and titles of the individuals at OSF and the Company/Business Associate that will sign the BAA.