

WEDI Workgroup (WG) / Sub Work Group (SWG) Template
DRAFT

WG/SWG Topic(s):	Business Associate SWG
WG/SWG Lead(s) (Name, Email, Phone):	Joe McClure, joseph.mcclure@siemens.com , 610-219-9101
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WG/SWG Scope of Work	
What is in scope? Provide the topic and definition of the topic.	Provide information and identify related impacts of the Privacy & Security provisions of HITECH on new and existing HIPAA Business Associates under the HITECH Privacy & Security Provisions within the ARRA legislation.
Identify any assumptions	Since this is a new SWG area, we will identify and update assumptions as the scope of the SWG evolves.
What is out of scope?	Since this is a new SWG area, we will identify and update out-of-scope issues as the scope of the SWG evolves.
WG/SWG Purpose	
What is the primary goal?	To engage in industry-wide information exchange, identify impacts, and provide information to help industry participants prepare for, address, and implement the new HITECH Privacy & Security provisions, specifically as they relate to the impact on, and obligations created for newly-established and existing Business Associates under HIPAA.
What business problem will be minimized or resolved by this workgroup?	This SWG will provide industry participants with information and tools to assess the applicability of HITECH Privacy and Security provisions to the relationships and regulatory requirements between Covered Entities and Business Associates, and to develop and implement action plans for compliance. The SWG will also assist industry participants prepare for specific compliance deadlines as they relate to new obligations for Business Associates, as well as any other entities that handle, use, or access PHI that were not previously subject to enforcement under HIPAA prior to enactment of ARRA.
Stakeholders	HIPAA Covered Entities, HIPAA Business Associates, Healthcare Information and IT vendors, Health Information Exchanges (HIEs), Regional Health Information Organizations (RHIOs), ePrescribing Gateway vendors, PHR vendors, and any other entities that handle, use, or access PHI on behalf of individuals or HIPAA Covered Entities. Other stakeholders may be identified as the SWG evolves.
Describe the central problem this project will attempt to resolve. What are some of the symptoms of this problem? Are there any corollary problems?	<p>This SWG will provide industry participants with information and tools to assess the applicability of HITECH Privacy and Security provisions to the relationships and regulatory requirements between Covered Entities and Business Associates, and to develop and implement action plans for compliance. The SWG will also assist industry participants prepare for specific compliance deadlines as they relate to new obligations for Business Associates, as well as any other entities that handle, use, or access PHI that were not previously subject to enforcement under HIPAA prior to enactment of ARRA.</p> <p>Since this is a new SWG, we will update additional information as the SWG evolves.</p>
Are there other regulatory or contractual obligations that might affect how this project is implemented?	<p>Over the next several months, HHS is expected to issue various rules, regulations, and published guidance papers, which should further define the Privacy & Security obligations of industry stakeholders. Depending on the content of such rules, the focus of this SWG may evolve as appropriate.</p> <p>Since this is a new SWG, we will update additional potential impact areas as the SWG evolves.</p>
Objectives / Measures of Success / Deliverables <i>(template allows for 3 projects for a specific WG/SWG)</i>	
Project #1 Title:	Develop White Paper – Overview of HITECH Business Associate Provisions

What outcomes do you expect to achieve? Will there be a phased in approach?	As a result of this White Paper, Covered Entities and Business Associates will receive information to help them better understand the practical impact of HITECH relative to their business associate relationships. New Business Associates as defined in HITECH will better understand their obligations under HIPAA and HITECH.
What is the ideal outcome?	Ideally, we will create a comprehensive White Paper outlining the provisions of HITECH that most significantly impact business associate relationships, along with tools to help industry stakeholders understand, assess and implement/update their Business Associate Agreements. This may also include development of one or more Business Associate Agreement templates.
What is an acceptable outcome?	Minimally, this SWG will produce a comprehensive White Paper outlining the provisions of HITECH that most significantly impact business associate relationships to help stakeholders understand and assess their business associate relationships. However, this option would not necessarily include specific tools or templates to aid stakeholders in conducting such assessments/implementations (as described in the "ideal outcome," above). Depending on the effort needed and limitation of resources available in the short term, development of such tools may be broken out as future additional projects.
How would you define success for this workgroup?	Achievement of at least a White Paper as defined above in the "acceptable outcome" (without any accompanying tools or templates), in a way that demonstrates value to industry stakeholders based on feedback and/or interest from WEDI members to assist in future efforts of the SWG.
What are the potential business impacts if the solution(s) is not implemented?	Not providing a White Paper outlining the HITECH Business Associate impacts for industry stakeholders will ignore a key component of HITECH Privacy and Security, and will leave a void where many industry participants expect WEDI to help them synthesize such information. Without it, stakeholders will turn to other sources to better understand their obligations.
What are the current deliverables or outcomes that are expected and the completion dates for each deliverable?	Initially, this SWG will produce a comprehensive White Paper outlining the provisions of HITECH that most significantly impact business associate relationships to help industry stakeholders understand and assess their business associate relationships. However, this option would not necessarily include specific tools or templates to aid stakeholders in conducting such assessments/implementations. Depending on the effort needed and limitation of resources available in the short term, development of tools may be broken out as future additional projects. We expect to prepare the initial White Paper in time for the Fall 2009 WEDI Conference, but no later than the Spring 2010 Conference (since many rules impacting Business Associates are due to be published by February 2010).
How much time or resources need to be committed to complete deliverables?	TBD
Project #2 Title:	Presentation – Fall Conference – Business Associate Breakout Session
What outcomes do you expect to achieve? Will there be a phased in approach?	As a result of this break-out session presentation, interested industry participants will receive information to help them better understand the practical impact of HITECH relative to their business associate relationships. New Business Associates as defined in HITECH will better understand their obligations under HIPAA and HITECH.
What is the ideal outcome?	Ideally, we will produce and deliver a comprehensive PowerPoint presentation outlining the provisions of HITECH that most significantly impact business associate relationships to help industry stakeholders understand, assess and implement/update their Business Associate Agreements. This may also be done in conjunction with release of a White Paper and/or one or more Business Associate Agreement templates.

What is an acceptable outcome?	Minimally, this SWG will produce and deliver a comprehensive PowerPoint presentation outlining the provisions of HITECH that most significantly impact business associate relationships to help stakeholders understand and assess their business associate relationships. However, this option would not necessarily include delivery of a White Paper and/or other tools or templates to aid stakeholders in conducting such assessments/implementations (as described in the "ideal outcome," above). Depending on the effort needed and limitation of resources available in the short term, completion of a White Paper and tools may be broken out as future deliverables.
How would you define success for this workgroup?	Development and production of a break-out session PowerPoint presentation as defined above in the "acceptable outcome" (without any accompanying tools or templates), in a way that provides documented value to industry stakeholders based on feedback of presentation attendees and/or interest from WEDI members to assist in future efforts of the SWG.
What are the potential business impacts if the solution(s) is not implemented?	Not providing a presentation outlining the HITECH Business Associate impacts for industry stakeholders will ignore a key component of HITECH Privacy and Security, and will leave a void where many industry participants expect WEDI to help them synthesize such information. Without it, stakeholders will turn to other sources to better understand their obligations.
What are the current deliverables or outcomes that are expected and the completion dates for each deliverable?	Initially, this SWG will produce a comprehensive break-out session PowerPoint presentation outlining the provisions of HITECH that most significantly impact business associate relationships to help industry stakeholders understand and assess their business associate relationships. However, this option would not necessarily include a completed White Paper or specific tools or templates to aid stakeholders in conducting such assessments/implementations. Depending on the effort needed and limitation of resources available in the short term, development of tools may be broken out as future additional projects. We expect to prepare the initial break-out session presentation in time for the Fall 2009 WEDI Conference, but no later than the Spring 2010 Conference (since many rules impacting Business Associates are due to be published by February 2010).
How much time or resources need to be committed to complete deliverables?	TBD
Project #3 Title:	
What outcomes do you expect to achieve? Will there be a phased in approach?	
What is the ideal outcome?	
What is an acceptable outcome?	
How would you define success for this workgroup?	
What are the potential business impacts if the solution(s) is not implemented?	
What are the current deliverables or outcomes that are expected and the completion dates for each deliverable?	

How much time or resources need to be committed to complete deliverables?	
Environmental Factors / Support Needs	
Are there other individuals/entities/work groups that need to provide input?	TBD
What tools does the workgroup need to acquire to ensure this project is successful?	TBD
Do you need additional administrative support?	Assistance in coordinating and scheduling SWG meetings, conference calls, etc.
Do you need additional project management support?	TBD
Do you need additional communication support?	TBD
Additional Comments or Concerns	