

**Questions to Assist Hospitals in Determining Whether Vendors are Business Associates under HIPAA**

Answer each question to determine whether the vendor is a Business Associate.

- Does the vendor perform a function, service or activity that uses/discloses Protected Health Information of hospital's patients?
  - If yes, proceed to the next question
  - If no, this is not a Business Associate
  
- Are the individuals employees, volunteers or trainees (and therefore under the direct control of the hospital)?
  - If yes, they are not Business Associates
  - If no, proceed to the next question
  
- Is the vendor a physician or person with medical staff privileges who performs services to or for patients of the hospital?
  - If yes, the vendor is not a Business Associates
  - If no, proceed to the next question
  
- Is the vendor a health plan where Protected Health Information is disclosed to or for enrollees of the health plan?
  - If yes, they are not a Business Associates
  - If no, proceed to the next question
  
- Is the vendor a government agency?
  - If yes, they are not a Business Associates
  - If no, **this vendor is a Business Associate**