

Date

Customer Name

Address

Dear Customer,

This communication is in response to your letter and the Business Associate Agreement sent under the Health Insurance Portability & Accountability Act (HIPAA). According to the Department of Health and Human Services Office for Civil Rights (DHHS OCR) under the HIPAA Privacy Rule, you are permitted to disclose protected health information (PHI) to (name of your company).

In the following situation, a covered entity is not required to have a business associate contract or other written agreement in place before protected health information may be disclosed to the person or entity. See 45 CFR 164.502(e)(1)(ii)(A).

“A physician is not required to have a business associate contract with a laboratory as a condition of disclosing protected health information for the treatment of an individual.”

According to DHHS OCR, disclosures made to labs and contact lens distributors are considered “for treatment” of the patient and therefore, permitted under HIPAA. Under 45 CFR 164.502(a)(1)(ii), “a covered entity is permitted to use or disclose protected health information for treatment, payment, or health care operations.”

Thank you for your time.