

Business Associate Requirements and FAQs

Under the terms of its contract with the California Department of Health Care Services (DHCS), Contra Costa County dba Contra Costa Health Services (County), must comply with the terms of the attached Business Associate Addendum. These provisions apply to all Contra Costa County contracts associated with services to Medi-Cal members. Medi-Cal is California's Medicaid program. By signing the DHCS contract, Contra Costa County has agreed to follow the DHCS breach and security notification requirements, which includes ensuring that its agents agree to the same restrictions that apply to the County with respect to Protected Health Information and/or confidential information. DHCS can terminate its contract with Contra Costa County if it's determined the County violates the terms and conditions of the contract.

How does Contra Costa County's Business Associate Addendum with DHCS apply to our contract with the County?

Per Section 9.3, Business Associate shall ensure that any agents, subcontractors, subawardees, vendors or others (collectively, "agents") that use or disclose PHI and/or confidential information on behalf of Business Associate agree to the same restrictions and conditions that apply to Business Associate with respect to such PHI and/or confidential information protected by Federal and/or state laws.

What is the basis for requiring the 24-hour breach and security notification requirement?

Per Section 18, Business Associate shall implement reasonable systems for the discovery and prompt reporting of any breach or security incident. Per Section 18.1.2, Business Associate shall notify DHCS **within 24 hours by email** (or by telephone if Business Associate is unable to email DHCS) of the discovery of:

- Unsecured PHI if the PHI is reasonably believed to have been accessed or acquired by an unauthorized person;
- Any suspected security incident which risks unauthorized access to PHI and/or other confidential information;
- Any intrusion or unauthorized access, use or disclosure of PHI in violation of this Agreement; or
- Potential loss of confidential data affecting this Agreement.

Since Contra Costa County must ensure that its agents agree to the same restrictions and conditions that apply to the County with respect to such PHI and/or confidential information, the 24-hour notification requirement is applicable to Contra Costa County's Business Associates.

Why is Contra Costa County's 24-hour notification reporting responsibility critical?

Under terms of its contract with DHCS, the discovery of a breach triggers other time-sensitive reporting obligations. In addition to the 24-hour discovery notification, Section 18.3 requires Contra Costa County to provide a complete report of the investigation to DHCS within ten (10) working days of the discovery of the security incident or breach and to notify the affected individuals accordingly. As stated in Section 18.4, the notifications to affected individuals shall comply with applicable federal and state law, and DHCS shall approve the time, manner and content of any such notifications, and their review and approval must be obtained before the notifications are made.

Why are the notification requirements critical to our contract with Contra Costa County?

Per section 21.1.2, DHCS can terminate its Agreement with Contra Costa County if the Business Associate has violated a material term of this Agreement.

If you have questions concerning your designation as a Business Associate of Contra Costa County, please review our **HIPAA Business Associate Decision Tree** at [Business Associate Relationship Decision Tree.pdf](#)