

## QUESTION OF THE MONTH



**Q** Since we have sent business associate agreements to our clients, what do we do if the clients don't send them back?

Is it up to the billing company to track and monitor this situation or are we in compliance by the fact that we sent these to the clients? Does this then become another item that we have to track and hound the clients for?

**A** It is the practice's legal obligation to have a business associate's agreement with your company. I recommend that your company follow the privacy terms of the business associates agreement even though it isn't signed. However, your company is not violation of the law by the agreement not having been returned signed by the practice.

—Tom Tamburelli is an attorney with Sherman, Silverstein, Kohl, Rose & Podolsky in Pennsauken, NJ. He can be reached at [ttamburelli@sskrplaw.com](mailto:ttamburelli@sskrplaw.com).

**A** The entity with the obligations under the law is the Covered Entity—the physician practice. If the practice gives you information without signing the BA agreement, then they are not in compliance with the law. The law itself does not have jurisdiction over you, but over the holder of the protected information. If you want to hunt them down you can. There may turn out to be liability going forward, in terms of standards of the industry, if you don't have a BA agreement in place, but if you do what the BA agreement would require anyway, you should be fine. The clients, of course, have a problem.

—Alice G. Gosfield, President, Alice G. Gosfield and Associates PC in Philadelphia PA. She can be reached at 215-735-2384.

## STRENGTH IN NUMBERS

HBMA welcomes the following new members and encourages them to participate on HBMA's committees, in research, and in education. As we grow, so grows our voice on Capitol Hill.

### NEW MEMBERS:

- Alonna Adams, Whitton Billing & Systems, Ashland, OH
- Elisa Albertson, Ambulance Reimbursement System, Inc., Allentown, PA
- Karin Anzalone, Lee Medical International, Inc., Harahan, LA
- Creighton D. Arita, Praxis Corporation dba Team Praxis, Honolulu, HI
- Blaine Bergeson, Practice Rx, Phoenix, AZ
- Peggy Bishop, CMM, MBS, CCP, Medical Development Resource Corp., Vero Beach, FL
- Donald R. Bryant, CEP Data Processing, Shreveport, LA
- Tim Coan, ALN Medical Management, Inc., Highlands Park, CO
- Barry Collins, CPA, Advantage Billing Concepts, Inc., Hibbing, MN
- Roberta Collins, CPC, CCAT, Advantage Billing Concepts, Inc., Hibbing, MN
- Elaine C. Dougherty, Dougherty & Gross Medical Management Services, Inc., Hatboro, PA
- Richard W. Drake, Jr., InterPro Medical Solutions, Clifton Park, NY
- Kim Farabaugh, The InforMedx Group, Johnstown
- Becca Goare, MSN, Columbus, OH
- Doug Guyer, Int'l Direct Response, Berwyn, PA
- James F. Hauguel, Corona Healthcare LLC, Fort Wayne, IN
- Weaver Hickerson, LightSpeed Technology Group, Atlanta, GA
- Kip Ireland, PCC, Inc., Humboldt, IA
- Julie J. Jensen-Novak, KLO Professional Billing, Inc., Willowbrook, IL
- Robert Kinkade, Audasis Corporation, Santa Clarita, CA
- Dianne Kramer, Physicians Practice Management, Corp., Dearborn, MI
- Joe Lauria, Parkside Management Services, Williamsville, NY
- Jacquelyn L. Little, Anchor Professional Services, Inc., St. George, UT
- Joseph McCloskey, Advanced Data Processing, Inc., Miami, FL
- Tammy Moore, CompOne Services, Oklahoma City, OK
- Sara K. Nofziger, American Billing Services, Inc., Portland, OR
- William Norris, Insurance Data Services, Wyoming, MI
- Richard O'Rourke, Nordis Direct, Coral Springs, FL
- Mordy Pelleg, MBS/NET, INC., Cleveland, OH
- John Pennisi, Medical Management Resources, Inc., East Syracuse, NY
- Gracie Perez, Acclaim Medical Billing, Inc., San Antonio, TX
- Melanie Polack, IDX Systems Corporation, Xcede Division, Medina, OH
- Megan Shad, Comprehensive Physician Services, LLC, Campbell, CA
- Rose B. Shattuck, Rose Shattuck & Associates, Raleigh, NC
- Gary Stanton, Women's Healthcare Network, LLC, Lenexa, KS
- Edie Swiercz, Healthcare Automations Inc., Frankfort, IL
- Ted Tesmer, Evanston Northwestern Healthcare, Evanston, IL
- Tim Tobin, Independent Medical Billers, Plainfield, IL
- Paul L. Viens, Medical Data Management, Conshohocken, PA
- Steven D. Weinman, Physicians Billing Office of SW Florida, Cape Coral
- Diana Weinstein, Practice Management, Inc., Swampscott, MA
- Lori Yambra, A/R Management Services, Inc., Vancouver, WA
- Margaret Zalenski, Emerald Billing, Inc., Cleveland, OH
- Krista Zimmerman, Sure Med, Inc., Mountain View, CA