

Irmen, Monique

From: Larwood, Deborah K. (CMS/CM) [Deborah.Larwood@cms.hhs.gov]
Sent: Wednesday, August 20, 2014 12:01 PM
To: Irmen, Monique
Subject: RE: BAA modification requests

As specified in the HPMS memorandum of January 18, 2006 entitled, "Final Standard Business Associate Agreement with the TrOOP Facilitator," and reiterated in the Coordination of Benefits chapter of the Medicare Drug Benefit Manual in section 50.13, CMS strongly encourages all parties to sign the CMS-approved standard language business associate agreement without modification. We noted in the memo that the standard language agreement was created to facilitate the process and minimize the costs associated with executing the agreement for both plan sponsors and the Facilitator. It should be noted that once the specified deadline for executing the new agreement is reached, a sponsor without an executed BAA with the Transaction Facilitator may be subject to compliance action.

From: Irmen, Monique [<mailto:Monique.Irmen@RelayHealth.com>]
Sent: Wednesday, August 20, 2014 10:36 AM
To: Larwood, Deborah K. (CMS/CM)
Subject: BAA modification requests

Deb,

I have gotten a few requests to modify the Transaction Facilitator BAA from plans.

Even though the original BAA memo states that plans should sign the agreement without modification, and our FAQ on the website makes it clear that the only modification allowed is if State rules or regulations required the modification (in order to accommodate some State plans), some plans are insisting upon modifications.

As you get ready to send a notice to plans that have not yet submitted a signed BAA, can you please remind plans that they should not be modifying the agreement? Additionally, for those that do not sign the standard agreement, they will be considered out of compliance until the agreement is signed.

In the meantime can you confirm that this is the case in an email so I can provide them with something directly from CMS.

Thanks.

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