

## Optometry Coding & Billing Alert

### Reader Questions: Use a BAA for Electronic Claims Submission

Question: We are moving to electronic billing but now submit paper claims. Do we need to establish a business associate agreement with our billing service? Does it matter if our billing service converts those paper claims to electronic ones?

New Mexico Subscriber

Answer: You need a business associate agreement with a billing service if you submit any electronic claims, experts say. However, you also need it if your billing service is doing the electronic work for you

Remember that once you start using electronic services, HIPAA applies.

In the CMS FAQs, CMS states that a billing service that converts paper claims into electronic claims is, in fact, a clearinghouse. Because the billing service is "acting on behalf of a covered entity," it is a business associate, CMS says.

Tip: If you use an entirely paper process, you do not need a business associate agreement because you aren't a covered entity.

-- Answers to You Be the Expert, Reader Questions and Building a Better Business reviewed by **David Gibson, OD, FAAO**, practicing optometrist in Lubbock, Texas.