

## Health Information Compliance Alert

### **YOU BE THE SECURITY EXPERT: WILL EMPLOYEES' FITNESS CENTERS BECOME BUSINESS ASSOCIATES?**

**Question:** As a health insurer, we would like to work with our at-risk enrollees' local fitness centers to provide exercise classes. The centers will bill us electronically for time spent on fitness and nutrition counseling with the enrollees. Would this relationship make the fitness center a business associate?

**Answer:** "No," states **Jeff Boyer**, HIPAA Compliance Coordinator for the HIPAA DC Program Management Office in Washington, DC. "If the centers bill electronically for their health services, they are a covered entity," he says.

Most fitness centers won't be interested in working with you once they find out they'll have to abide by the privacy and security rules, Boyer expresses. Good idea: "Ask the centers to submit claims on paper," he suggests. That way they can still provide the health service without having to worry about HIPAA.

**The Bottom Line:** Fitness centers that provide health care services--and bill for them electronically - are covered entities, not business associates, Boyer says. If the centers don't want to send paper claims, track down either a fitness center already working with the rule or a rehab center instead, he offers.