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GOVERNOR

STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
PURCHASING DIVISION
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ROSS TAYLOR
CABINET SECRETARY
DAVID TINCHER
DIRECTOR

February 26, 2013

NOTICE TO ALL VENDORS

**IF YOU PROCESS PROTECTED HEALTH INFORMATION ON BEHALF OF THE
STATE OF WEST VIRGINIA AND ARE CONSIDERED A BUSINESS ASSOCIATE:
THIS NOTICE APPLIES TO YOU. ALL OTHERS PLEASE DISREGARD.**

Dear Business Associate:

Title XIII, Subtitle D of the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5), which was passed into law in February of 2009, contains new provisions affecting the obligations of Covered Entities and Business Associates relating to the privacy and security of Protected Health Information as defined under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

These provisions are collectively known as the HITECH Act (Health Information Technology for Economic and Clinical Health Act) and make Business Associates directly subject to the HIPAA Security Standards. We have reviewed our Business Associate Agreement and believe that a few modifications are necessary to bring the agreement in line with new regulations.

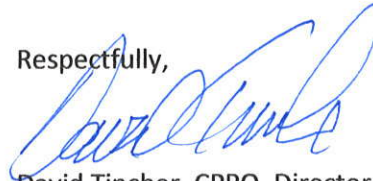
This Notice is to confirm the following:

- The HIPAA Privacy, Security, Enforcement & Breach Notification Final Omnibus Rule was published on January 25, 2013. It may be viewed online at <http://www.gpo.gov/fdsys/pkg/FR-2013-01-25/pdf/2013-01073.pdf>
- Your organization, as the Agency's Business Associate, is expected to be in compliance with this Final Rule. For those Business Associates entering into contracts with a HIPAA Covered State Agency between January 25, 2013 and the release of the 2013 WV State Agency Business Associate Agreement, or September 23, 2013 (whichever is earlier), be advised that you will be required to comply with the 2013 WV State Agency Business Associate Agreement. For those Business Associates with contracts with a HIPAA Covered State Agency executed prior to January 25, 2013, be advised that upon renewal or modification, you will be

required to comply with the 2013 WV State Agency Business Associate Agreement
no later than September 22, 2014.

Please contact me should you have any questions.

Respectfully,



David Tincher, CPPO, Director
Purchasing Division