



JOE MANCHIN III
GOVERNOR

STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
PURCHASING DIVISION
2019 WASHINGTON STREET, EAST
P.O. BOX 50130
CHARLESTON, WEST VIRGINIA 25305-0130

ROBERT W. FERGUSON, JR.
CABINET SECRETARY

DAVID TINCHER
DIRECTOR

April 8, 2010

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:

- We expect that your organization, as the Agency's Business Associate, is monitoring the new law, its subsequent related regulations and will take steps in a timely fashion to attain compliance with such.
- The new version will be provided to your organization if you have more than one year remaining for your contract term or upon renewal.

Please contact me should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Tincher".

David Tincher, Purchasing Director
State of West Virginia