

HIPAA for Individuals

Filing a Complaint

HIPAA for Professionals

Newsroom

HHS > HIPAA Home > For Professionals > FAQ > 236-Is a covered entity liable for the actions of its business associates

- Authorizations (30)
- Business Associates (42)
- Compliance Dates (2)
- Covered Entities (14)
- Decedents (8)
- Disclosures for Law Enforcement Purposes (7)
- Disclosures for Rule Enforcement (2)
- Disclosures in Emergency Situations (2)
- Disclosures Required by Law (6)
- Disclosures to Family and Friends (28)
- Disposal of Protected Health Information (6)
- Facility Directories (7)
- Family Medical History Information (3)
- FERPA and HIPAA (10)
- Group Health Plans (3)
- Health Information Technology (41)
- Incidental Uses and Disclosures (10)
- Judicial and Administrative Proceedings (8)
- Limited Data Set (5)
- Marketing (18)
- Marketing - Refill Reminders (16)
- Mental Health (35)
- Minimum Necessary (14)

Text Resize A A A | Print | Share

# Is a covered entity liable for, or required to monitor, the actions of its business associates?

## Answer:

No. The HIPAA Privacy Rule requires [covered entities](#) to enter into written contracts or other arrangements with business associates which protect the privacy of protected health information; but covered entities are not required to monitor or oversee the means by which their business associates carry out privacy safeguards or the extent to which the business associate abides by the privacy requirements of the contract. Nor is the covered entity responsible or liable for the actions of its business associates. However, if a covered entity finds out about a material breach or violation of the contract by the business associate, it must take reasonable steps to cure the breach or end the violation, and, if unsuccessful, terminate the contract with the business associate. If termination is not feasible (e.g., where there are no other viable business alternatives for the covered entity), the covered entity must report the problem to the Department of Health and Human Services Office for Civil Rights. See [45 CFR 164.504\(e\)\(1\)](#).

With respect to business associates, a covered entity is considered to be out of compliance with the Privacy Rule if it fails to take the steps described above. If a covered entity is out of compliance with the Privacy Rule because of its failure to take these steps, further disclosures of protected health information to the business associate are not permitted. In cases where a covered entity is also a business associate, the covered entity is considered to be out of compliance with the Privacy Rule if it violates the satisfactory assurances it provided as a business associate of another covered entity.

Date Created: 12/19/2002

Content created by Office for Civil Rights (OCR)  
Content last reviewed on July 26, 2013

<a href="#">Notice of Privacy Practice (20)</a>
<a href="#">Personal Representatives and Minors (13)</a>
<a href="#">Preemption of State Law (10)</a>
<a href="#">Privacy Rule: General Topics (12)</a>
<a href="#">Protected Health Information (2)</a>
<a href="#">Public Health Uses and Disclosures (13)</a>
<a href="#">Research Uses and Disclosures (20)</a>
<a href="#">Right to Access and Research (58)</a>
<a href="#">Right to an Accounting of Disclosures (8)</a>
<a href="#">Right to File a Complaint (1)</a>
<a href="#">Right to Request a Restriction (2)</a>
<a href="#">Safeguards (13)</a>
<a href="#">Security Rule (25)</a>
<a href="#">Smaller Providers and Businesses (147)</a>
<a href="#">Student Immunizations (8)</a>
<a href="#">Telehealth (11)</a>
<a href="#">Transition Provisions (3)</a>
<a href="#">Treatment, Payment, and Health Care Operations Disclosures (30)</a>
<a href="#">Workers Compensation Disclosures (5)</a>

### Connect With OCR

### Sign Up for OCR Updates

To sign up for updates or to access your subscriber preferences, please enter your contact information below.

### Office for Civil Rights Headquarters

U.S. Department of Health & Human Services  
 200 Independence Avenue, S.W.  
 Washington, D.C. 20201  
 Toll Free Call Center: 1-800-368-1019  
 TTD Number: 1-800-537-7697

[Contact HHS](#)  
[Careers](#)  
[HHS FAQs](#)  
[Nondiscrimination Notice](#)

[HHS Archive](#)  
[Accessibility](#)  
[Privacy Policy](#)  
[Viewers & Players](#)

[Budget/Performance](#)  
[Guidance Portal](#)  
[Inspector General](#)  
[EEO/No Fear Act](#)

[FOIA](#)  
[The White House](#)  
[USA.gov](#)