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November 6, 2009

VIA ELECTRONIC MAIL

James "Mickey" Gwyn, MA, CIPP/G
Business Associate Component Liaison
VHA Information Access and Privacy Office
james.gwyn@va.gov

Re: Business Associate Agreement discussions with Accreditation Council
on Optometric Education

Dear Mickey:

As you know, the United States Department of Veteran Affairs Veterans Health Administration ("VA") and the Accreditation Council on Optometric Education ("ACOE") have been negotiating a Business Associate Agreement that would have applied to protected health information disclosed to the ACOE during its accreditation activities at VA facilities.

This letter confirms the ACOE's decision to use de-identified health information during its accreditation activities involving VA facilities. As we discussed, the ACOE declines at this time to impose additional training obligations on its volunteer site consultants after reviewing the VA's mandatory security and privacy training. You have indicated that the use of de-identified health information will alleviate the need for a Business Associate Agreement, as the ACOE's volunteers and personnel should not be receiving protected health information that contains patient-identifying information.

Should the ACOE later decide that patient-identifying protected health information is necessary for its accreditation activities, we will contact you for a Business Associate arrangement prior to requesting that information. Please don't hesitate to let me know if you need anything further from the ACOE to effectuate this arrangement, and thank you for your efforts over the past several months.

KANSAS CITY
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ST. LOUIS
OMAHA
JEFFERSON CITY

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Sincerely,

STINSON MORRISON HECKER LLP

Megan L. Snow

MLS