

The following is a summary of when Bioventus would execute a Business Associate Agreement (BAA). BAAs are often requested by customers that are Health Care Providers (HCPs) that have access to patient health information (PHI). However, Bioventus is not a Business Associate of HCPs in all cases. If there is a situation where you have been asked to provide a BAA, requests should be provided to the Sr. Paralegal in the legal department.

Business Unit	Does Bioventus Sign BAAs?	Response	Rationale
Surgical	No	Provide letter from Bioventus legal that clarifies Bioventus' position that it is not a Business Associate.	Bioventus does not require PHI to sell surgical products. All access to PHI is tangential to the access provided to sales representatives and PHI should not be retained by Bioventus.
Exogen; Rehab	No	Bioventus is a covered entity. So, a BAA is not required to provide PHI to facilitate delivery of an Exogen unit.	Bioventus is permitted under applicable law to receive PHI without a BAA because Bioventus, like the HCP is a covered entity.
HA	No	Bioventus does not require PHI for sales of HA products.	All PHI should be provided directly to BV360, which is managed by a third party called CoPilot. Bioventus employees should not receive or manage PHI related to benefits investigations for HA.
Wound	Yes	Bioventus has a form BAA that covers Bioventus for the benefits investigations that are performed by Bioventus employees.	Bioventus is acting on behalf of the prescribing HCP to provide services to wound patients to confirm insurance coverage. This requires the disclosure of PHI, but Bioventus is not a covered entity in these instances.
Vendors/Consultants	Sometime	If Bioventus is providing third parties (e.g. consultants or vendors) access to PHI, generally in the form of patient names, that are stored on Bioventus systems, then the third party must sign a Bioventus form BAA. Procurement will generally provide the BAA as a result of the Vendor set up process.	Bioventus is a covered entity and like HCPs required to protect PHI. Accordingly, if third parties have access to PHI that Bioventus controls, then they must agree to protect the PHI by executing a BAA. In this instance, the third party is a Business Associate of Bioventus.