

HIPAA HYBRID ENTITY POLICY

Responsible Office: Institutional Compliance & Privacy

I. POLICY STATEMENT

Auburn University, pursuant to 45 C.F.R. §§ 164.103 and 164.105 and the HIPAA Compliance Assistance from the Office of Civil Rights, elects to be a “hybrid entity” and designates certain internal units as covered health care components.

II. POLICY PRINCIPLES

The Health Insurance Portability and Accountability Act of 1996, as amended (“HIPAA”), and related regulations protect individually identifiable information regarding an individual’s health and the provision of health care to that individual. Such information is referred to as “Protected Health Information” or “PHI.” HIPAA applies to entities that perform health-care related functions, including entities that provide health care services (“Covered Entities”).

Auburn University and Auburn University at Montgomery (collectively “University”) comprise a multi-disciplinary legal entity that performs a wide array of functions and activities, some of which involve the provision of health care services that are subject to HIPAA. HIPAA regulates the use and disclosure of protected health information by Covered Entities and imposes administrative, technical, and physical standards, including implementation specifications, to ensure that PHI is kept secure. To implement these requirements, all University health care providers must follow written procedures to secure the privacy of patient information.

Under HIPAA, an organization with both HIPAA-covered and non-covered functions may elect to be a hybrid entity. With that designation, HIPAA requirements apply only to the entity’s health care components, which are engaged in covered functions, and do not apply to non-covered functions. If a Covered Entity chooses to designate its health care components in this manner, it must include any component that would meet the definition of a covered entity or a business associate if such component were a separate legal entity, including, for example, units that provide legal, accounting, data aggregation, or administrative services for internal health care components where such services involve the sharing of PHI. 45 C.F.R. § 160.103 (definition of Business Associate). Health care components also may include a component only to the extent that it performs covered functions. 45 C.F.R. § 164.105(a)(2)(iii)(D).

By adopting this policy, the University designates itself to be a hybrid entity under 45 C.F.R. §§ 164.103 and 164.105.

The University further designates its health care components, whose functions are subject to HIPAA, as those identified in Section VII below. The University may designate other health care components by amendment to this policy.

Notwithstanding this designation, the University remains responsible for the HIPAA compliance of its health care components. Therefore, all designated health care components must cooperate with the Division of Institutional Compliance and Privacy and other University offices in maintaining HIPAA compliance.

III. EFFECTIVE DATE

August 9, 2019

IV. APPLICABILITY

Auburn University and Auburn University at Montgomery

V. POLICY MANAGEMENT

Responsible Office: Division of Institutional Compliance and Privacy

Responsible Executive: Associate V.P. Audit, Compliance & Privacy

Responsible Officer: Exec. Director, Institutional Compliance & Privacy

VI. DEFINITIONS

Covered Entity: A covered entity means:

- (1) A health plan;
- (2) A health care clearing house; and
- (3) A health care provider who transmits any health information in electronic form in connection with a transaction covered by this chapter. (45 C.F.R. § 160.103 (Definitions).)

HIPAA: The Health Insurance Portability and Accountability Act of 1996, as amended by the Health Information Technology for Economic and Clinical Health Act.

PHI: Protected Health Information is individually identifiable health information held or transmitted by a covered entity; and relates to

- The individual's past, present, or future physical or mental health condition;
- The provision of health care to the individual; or
- The past, present, or future payment for the provision of health care to the individual. (45 C.F.R. § 160.103 (Definitions).)

VII. POLICY PROCEDURES

The University designates the following as health care components subject to HIPAA:

- The Auburn University Employee Pharmacy
- The Auburn University Student Pharmacy
- The Auburn University Pharmaceutical Care Center
- The Auburn University Pharmaceutical Care Center – Boykin Center
- The State Employees' Insurance Board (SEIB) Pharmacy – Montgomery, AL
- The State Employees' Insurance Board (SEIB) Clinic – Montgomery, AL
- The Auburn University Speech and Hearing Clinic
- The Auburn University at Montgomery Speech and Hearing Clinic
- The Auburn University at Montgomery Student Health Services Clinic

Additionally, the University designates the following as health care components, which are subject to HIPAA only to the extent they perform the functions of a Covered Entity or business associate (*e.g.*, functions that involve the use and/or disclosure of PHI):

- Auburn University Office of the General Counsel
- Auburn University Office of Audit, Compliance & Privacy
- Auburn University Office of Risk Management & Safety
- Auburn University Office of Information Technology
- Auburn University at Montgomery Office of Information Technology
- Auburn University Human Resources (*e.g.*, Group Health Care/Flexible Spending Plans activities)

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- Other University units and offices, to the extent their activities are subject to a Business Associate Agreement with a non-University Covered Entity
- Other University units and offices, to the extent they access PHI for research purposes

VIII. SANCTIONS

Not applicable

IX. EXCLUSIONS

None

X. INTERPRETATION

This policy is subject to interpretation by the Division of Institutional Compliance & Privacy.