

President's Office Policy PRE-29

HIPAA HYBRID ENTITY DESIGNATION

1. GENERAL

Sam Houston State University (SHSU) designates itself as a "Hybrid Entity" for purposes of Title 2 of the Health Insurance Portability and Accountability Act of 1996, as amended by the Health Information Technology for Economic and Clinical Health (HITECH) Act, and the Privacy and Security Regulations at 45 C.F.R. §§ 160 et. seq. (collectively referred as HIPAA herein).

2. PURPOSE.

With this policy Sam Houston State University (SHSU) establishes itself as a HIPAA Hybrid Entity by designating specific departments as HIPAA Health Care Components or Business Associates in accordance with 45 C.F.R. § 164.103 and 164.105(a)(2)(iii)(D).

3. DEFINITIONS

- 3.01 **Business Associate.** A person or entity that performs a function or service that creates, receives, maintains, or transmits protected health information for a HIPAA covered entity. A Business Associate may be a department within SHSU or an unaffiliated third party.
- 3.02 **Covered Functions.** Performance of activities that makes an entity a health plan, health care provider, or health care clearinghouse.
- 3.03 **Covered Entity.** Entities, to include designated SHSU Health Care Components, that operate a health plan, health care clearinghouse, or provide health care services and transmits protected health care information in electronic form.
- 3.04 **SHSU Health Care Component (HCC).** A department that either performs covered functions, or would meet the definitions of a covered entity or business associate if it were a separate legal entity.
- 3.05 **Hybrid Entity.** A single legal entity whose activities include both covered and non-covered functions, and that designates one or more departments as HCCs.
- 3.06 **Protected Health Information (PHI).** Individually identifiable health information created, received, maintained or electronically transmitted by a covered entity.
(See 45 C.F.R. § 160.103 and § 164.105).

4. DESIGNATION

- 4.01 Pursuant to HIPAA regulations, SHSU designates the following as HCCs as they intend to engage in Covered Functions.:
 - (a) College of Osteopathic Medicine Faculty Clinic entitled SHSU Physicians,
 - (b) The Athletic Training Department in the Athletics Division; and
 - (c) The Division of Information Technology which performs covered functions on behalf of the SHSU HCCs listed above.

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- 4.02 SHSU shall require any third party vendor performing covered functions for the university to enter into a Business Associate Agreement with SHSU.
- 4.03 SHSU shall retain its HCC designation for at least six (6) years from the date of a decision to remove a component's designation as a HCC. Otherwise, SHSU shall retain HCC designations indefinitely. 45 C.F.R. 164.316(b)(2)(i).
- 4.04 SHSU HCCs shall comply with all applicable HIPAA laws and regulations.
- 4.05 SHSU has appointed the Information Security Officer as SHSU's Privacy and Security Officer for SHSU HCCs. For any questions regarding SHSU's compliance with HIPAA, please contact the Privacy and Security Officer.

5. INDIVIDUAL EMPLOYEE RESPONSIBILITY

Any individual who fails to comply with SHSU's Hybrid Entity Policy and the applicable HIPAA regulations may be subject to discipline up to and including termination.

6. POLICY REVIEW

SHSU shall regularly review this policy at least every two (2) years. The Policy shall be reviewed for consistency with other University policies and the policies of The Texas State University System, which shall govern in the event of a conflict.

Approved by: President's Cabinet
Date: August 26, 2019