

Appendix A

HIPAA HYBRID ENTITY

REASSESSMENT OF DESIGNATION OF HEALTH CARE COMPONENTS

RECITALS

- A. The University of Delaware (the "University") qualifies as a "covered entity" under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") because components of the University conduct HIPAA covered functions.
- B. HIPAA "covered functions" are those functions of a covered entity the performance of which makes the entity a covered entity. Covered functions include providing health care services and engaging in HIPAA electronic standard transactions. Correspondingly, "non-covered functions" include those functions that are not subject to, or do not otherwise implicate, HIPAA.
- C. A HIPAA "hybrid entity" is a single legal entity that is (i) a covered entity; (ii) whose business activities include both covered and non-covered functions under HIPAA; and (iii) that designates its "health care components." The health care components must include any component that would meet the definition of a covered entity if it were a separate legal entity. Each component may be included **only to the extent that** it performs covered functions or activities that would make it a business associate of a health care component if the two components were separate legal entities. Entities electing to designate themselves as a hybrid entity must periodically reassess the accuracy of the covered components included in the designation and update the designation if required.
- D. The University performs both covered and non-covered functions. However, only a small segment of the activities at the University qualify as covered functions. Unless the University adopts a hybrid entity designation, the entire University would be subject to HIPAA and would be required to meet the standards and specifications HIPAA requires.
- E. In April 2003, the University designated itself as a hybrid entity and specified its components performing, or assisting in the performance of, covered functions.
- F. In April 2019, the University initiated a project to reassess its prior designation and has determined that new functions and activities at the University, and other changes its business operations, call for the hybrid entity designation to be modified as follows.

Appendix A (con't)

DESIGNATION

The University designates its "health care components" so that it qualifies as a "hybrid entity" under HIPAA.

1. The designated health care components of the University that are covered by HIPAA include the following:
 - a. Emergency Care Unit, University Police Department
 - b. Nurse Managed Primary Care Center, College of Health Sciences
 - c. Physical Therapy Clinic, College of Health Sciences
 - d. Speech-Language-Hearing Clinic, College of Health Sciences
 - e. Student Health Services

2. The following components of the University provide services on behalf of the covered components requiring the creation, receipt, maintenance or transmittal of information subject to HIPAA:
 - a. Information Technologies
 - b. Internal Audit and Compliance
 - c. Procurement Services, Finance
 - d. Office of the General Counsel
 - e. University Archives and Records Management