

TITLE

Health Care Component Designation

PURPOSE

The University of Arizona (UA) has designated itself as a Hybrid Entity in accordance with UA's HIPAA Privacy, Security and Breach Notification Policy and the Privacy, Security and Breach Notification Rules promulgated pursuant to the Health Insurance Portability and Accountability Act of 1966 (HIPAA), the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH) and all regulations promulgated thereunder (hereinafter collectively referred to as "HIPAA").

This Hybrid Entity Policy specifically addresses the requirements of 45 CFR §§ 164.103 and 164.105. The purpose of this procedure is to define how UA will identify departments, clinics, programs and functions determined to be Health Care Components (HCCs) of UA. As used in these Procedures, the term "Health Care Component" also includes UA departments that perform health care functions for other Components and/or Covered Entities as Business Associates.

Identifying the individuals and entities that are HCCs is a challenging process, complicated by the fact that UA is engaged in Covered Functions and Non-Covered Functions with a mission that includes education, health care, and research. Workforce members may have multiple roles, both covered and non-covered. The determination of HCCs is a dynamic and ongoing process that is overseen on behalf of UA by the HIPAA Privacy Program.

REVIEW/REVISIONS

- 06/2015

REFERENCES AND RELATED FORMS

- Capitalized terms are defined in HIPAA Privacy Program Guidance (Definitions of Key Words) and 45 CFR Parts 160 and 164
- HIPAA Privacy Program Form A (Health Care Component Designation)

PROCEDURES

1. Designation of UA Health Care Components: The HIPAA Privacy Program, led by the HIPAA Privacy Officer, will identify departments, clinics, programs and functions determined to be HCCs that constitute Covered Entities and Business Associates.
2. Review: Not less than annually, the HIPAA Privacy Program will:

- A. Review the activities of UA colleges, departments, clinics, programs and functional areas to determine whether any modifications to the designated HCCs should be made;
 - B. Make such determinations based on whether the college, department, clinic, program or functional area reviewed meets the definition of “Health Care Component;” and
 - C. Document the results of the review in HIPAA Privacy Program Form A. Form A will note the date of each revision and will list the HCCs.
3. Records: Records related to the HIPAA Privacy Program’s designation of HCC shall be retained for at least six (6) years following any decision to remove any colleges, departments, clinics, programs and functional areas from the designation of “Component” (or for such longer period, if any, as may be required by the UA’s applicable Record Retention Policies). HCC designations should be retained for so long as the colleges, departments, clinics, programs and functional area’s activities meet the definition of “Health Care Component.”
4. The HIPAA Privacy Program’s Coordination with HCCs: The UA HIPAA Privacy Program will communicate the results of the review and designation of HCCs to the UA Associate Vice President for Research Compliance & Policy and to the heads of the designated HCCs.

The UA HIPAA Privacy Program will collaborate with HCCs to provide training and education regarding HIPAA and relevant UA policies and procedures to employees, volunteers, and students (hereinafter collectively referred to as “Workforce”) of the HCCs.

5. Criteria for Determining Covered Functions:
- A. Component’s Use of Individually Identifiable Health Information: When a Component’s use or disclosure of Individually Identifiable Health Information (“IIHI”) is carried out by the HCC’s Workforce in connection with the provision of health care, such information is defined as Protected Health Information (“PHI”) and is subject to HIPAA.
 - B. HCCs Functioning as Business Associates of Covered Entities: When the use or disclosure of IIHI is carried out by business, financial, legal or administrative functions on behalf of UA HCCs, the individual's information is PHI and HIPAA applies to those functions and to the workforce members who carry out those functions. Conversely, UA departments, clinics, programs and functions that perform work for or on behalf of Covered Entities are Business Associates and are

designated as HCCs. In either instance, a Business Associate Agreement¹ must be utilized prior to the use or disclosure of PHI.

- C. UA Employer and Education Functions: When the use and disclosure of IIHI is carried out by UA in its capacity as an employer or an educational institution (i.e. not a HCC), the information is not PHI and those functions are not subject to HIPAA, but the confidentiality of the individual's health information may be protected by other state and federal law, as well as by UA policy.
- D. Privacy and Security Requirements: HCCs are responsible for compliance with the applicable requirements of HIPAA and will work in conjunction with the UA HIPAA Privacy and Information Security Officers. Firewalls must be implemented between health care functions and non- health care functions. Specifically:
- i. HCCs must not disclose PHI to another (non-health care) component in circumstances in which HIPAA would prohibit such disclosure if the HCCs were separate and distinct legal entities;
 - ii. HCCs who are Business Associates of HCCs or other Covered Entities may be required to:
 1. Not use or disclose PHI that it creates or receives from or on behalf of the HCC or Covered Entity in a manner prohibited by HIPAA and
 2. Comply with the HIPAA Security Rule.
 - iii. Where possible, HCCs should maintain separate staff and office space between Covered and non-covered Functions.
 - iv. If a person performs duties for a HCC in the capacity of a member of the Workforce and for another HCC, such Workforce member must not use or disclose PHI created or received in the course of or incident to the Workforce member's work for the HCC in a way prohibited by HIPAA.

¹ For more information about Business Associate Agreements, please see UA HIPAA Procedure HIP-315: "Business Associate Agreements."