



General HIPAA Policy and Hybrid Entity Designation

Responsible Official: HIPAA Compliance Officer

Responsible Office: Office of University
Counsel

Policy Purpose

This policy reflects East Tennessee State University's commitment to comply with the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and designates ETSU as a Hybrid Entity.

Policy Statement

I. Covered Entity.

ETSU is a Covered Entity under HIPAA and shall comply with HIPAA's requirements to protect the privacy and security of Protected Health Information and to provide individuals with certain rights with respect to their Protected Health Information created, collected, transmitted, and maintained by ETSU.

II. Hybrid Entity Designation.

ETSU performs activities which include Covered Functions and non-covered functions. When a Covered Entity performs both functions, HIPAA permits Covered Entities to designate themselves as a Hybrid Entity. This policy designates ETSU as a Hybrid Entity.

III. HIPAA Compliance Office Responsibilities.

The HIPAA Compliance Office shall maintain a current list of designated Health Care Components for ETSU. The HIPAA Compliance Office shall develop uniform unit level policies and procedures consistent with this policy.

Authority: 45 C.F.R. §160, §162, and §164, T.C.A. § 49-8-203

Previous Policy: N/A

Defined Terms

A defined term as a specific meaning within the context of this policy.

Covered Entity:	A Covered Entity is a health plan, a health care clearinghouse, or a health care provider who transmits any health information in electronic form in connection with a Covered Function pursuant to 45 C.F.R. § 160.103.
Covered Function:	Functions of a Covered Entity the performance of which makes the entity a health plan, health care provider, or health care clearinghouse pursuant to 45 C.F.R. § 164.103.
Health Care Component:	A component or combination of components of a Hybrid Entity designated by the Hybrid Entity in accordance with 45 C.F.R. §164.105(a)(2)(iii)(D) pursuant to 45 C.F.R. § 164.103.
Hybrid Entity:	A Hybrid Entity is a single legal entity: (1) That is a Covered Entity; (2) Whose business activities include both Covered and non-covered Functions; and (3) That designates Health Care Components in accordance with paragraph 45 C.F.R. §164.105(a)(2)(iii)(D) pursuant to 45 C.F.R. § 164.103.
Protected Health Information:	Protected Health Information means Individually Identifiable Health Information:(1) Except as provided in paragraph (2) of this definition, that is: (i) Transmitted by electronic media; (ii) Maintained in electronic media; or (iii) Transmitted or maintained in any other form or medium.(2) Protected Health Information excludes Individually Identifiable Health Information: (i) In education records covered by the Family Educational Rights and Privacy Act, as amended,20 U.S.C. 1232g; (ii) In records described at 20 U.S.C. 1232g(a)(4)(B)(iv); (iii) In employment records held by a Covered Entity in its role as employer; and (iv) Regarding a person who has been deceased for more than 50 years. 45 C.F.R. § 160.103.

Policy History

Effective Date:	12/12/2022
Revision Date:	New

Procedure

Procedure History

Effective Date:

Revision Date:

Related Form(s)

N/A

Scope and Applicability

Primary: Faculty, Staff, and Students in designated Health Care Components

Secondary: