

**SUNY DOWNSTATE HEALTH SCIENCES
UNIVERSITY HEALTH SCIENCES UNIVERSITY
UNIVERSITY HOSPITAL OF BROOKLYN
POLICY AND PROCEDURE**

No. HIPAA-5

Subject: COVERED ENTITY DESIGNATION

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Standard: for Privacy of Individually Identifiable Health Information, 45 CFR Parts 160 and 164: 164.504, 164.520 (d)

Executive Performance Improvement Council
(EPIC)
Medical Executive Committee (MEC)

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I. PURPOSE

To comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) by designating the health care components and covered entities included in the overall covered entity of SUNY Downstate Health Sciences University.

II. POLICY

A. Hybrid Entity Designation- It is the policy of SUNY Downstate Health Sciences University (DHSU) to ensure that all health care components of the covered entity comply with the applicable requirements of the HIPAA regulation:

1. Health care components cannot disclose protected health information (PHI) to a non-healthcare component of the covered entity without appropriate authorization.
 - a. Non-healthcare components that created or received PHI from a healthcare component cannot use or disclose that information in a manner that would violate the HIPAA regulations.
 - b. If an employee performs duties for the health care and non-health care components, s/he must not use or disclose PHI created or received in the

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course of his work with the health care component in a manner that would violate the HIPAA regulations.

B. OHCA Designation- Covered entities participating in the OHCA agree to the following:

1. Policies and Procedures- OHCA members should abide by one set of policies and procedures in regard to the HIPAA regulations developed by the Office of Compliance & Audit Services, in conjunction with the OHCA members.
2. Accounting of Disclosures- Members of the OHCA must jointly account for all disclosures.
3. Joint Notice of Privacy
 - a. The covered entities participating in the OHCA should abide by the terms in the notice with respect to PHI created or received by the covered entity as part of its participation in the OHCA;
 - b. The notice of privacy should reflect that it covers more than one covered entity by specifying the class of entities and service sites to which it applies and should state that the OHCA participants will share PHI with each other as necessary to carry out treatment, payment and health care operations relating to the OHCA;
 - c. Provision of the notice to an individual by any one of the covered entities participating in the OHCA will satisfy the provision requirements of the OHCA.

Specifications- All HIPAA policies and procedures developed for SUNY Downstate Health Sciences University apply only to the delineated health care components of the covered entity.

III. DEFINITIONS

Hybrid Entity- A single legal covered entity whose business activities include both covered and non-covered functions.

Organized Health Care Arrangement (OHCA)- a) A clinically integrated care setting in which individuals typically receive health care from more than one health care provider; b) An organized system of health care in which more than one covered entity participates and in which the covered entities hold themselves out to the public as participating in a joint arrangement for purposes of utilization review, quality assessment or payment activities.

Health Care Component- a) A component that performs covered functions; b) A component that performs activities that would make it a business associate of a component performing covered functions if the two components were separate legal entities.

IV. PROCEDURE/GUIDELINES

Designation:

A. Hybrid Entity Designation- SUNY Administration has designated itself as a hybrid entity. As such, all SUNY campuses must specify the healthcare components to be included under the designation and the non-healthcare components to be excluded from

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the designation. The following is a delineation of the health care components of SUNY Downstate Health Sciences University. Areas not listed are considered non-healthcare components.

1. Health Care Components:
 - a. College of Medicine- Brooklyn Free Clinic;
 - b. Clinical Research / IRB / Privacy Board
 - c. Deans Office;
 - d. DHSU Administration;
 - e. Dietary Services;
 - f. Finance;
 - g. Graduate Medical Education;
 - h. Information Services;
 - i. Office of General Counsel;
 - j. Office of Compliance & Audit Services;
 - k. Office of Contracts & Procurement;
 - l. Office of Communications & Marketing;
 - m. Office of Diversity & Inclusion;
 - n. Office of Employee & Labor Relations;
 - o. Presidential Area;
 - p. Research Foundation Clinical Components at DHSU
 - q. Student/ Employee Health Services;
 - r. University Hospital of Brooklyn (including satellite clinics);
 - s. University Physicians of Brooklyn, Inc (UPB) – excluding off premises individual physician private practices.

B. OHCA Designation- The health care components delineated in III.A.1. constitute the entities participating in the organized health care arrangement to the extent that they are performing covered functions on behalf of or in conjunction with SUNY Downstate Health Sciences University.

V. ATTACHMENTS

None

VI. REFERENCES

Standards for Privacy of Individually Identifiable Health Information, 45 CFR Parts 160 and 164: 164.504, 164.520 (d)

Date Reviewed	Revision Required		Responsible Staff Name and Title
12/07	Yes	(No)	Adeola Dabiri, Director, Regulatory Affairs
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