DESIGNATION OF RUTGERS UNIVERSITY
AS A HYBRID ENTITY UNDER HIPAA
AND DESIGNATION OF COVERED COMPONENTS

I. Introduction

The Health Insurance Portability and Accountability Act of 1996 ("HIPAA") required the Secretary of the United States Department of Health and Human Services ("Secretary") to promulgate certain privacy regulations. These Standards for Privacy of Individually Identifiable Health Information, 45 C.F.R Part 160 and Part 164, Subparts A and E ("Privacy Rule"), are applicable to health care plans and to all persons and entities that are health care providers that transmit any health information in electronic form in connection with a transaction covered by the Privacy Rule.

Rutgers University ("University") has determined that certain portions of the activities of the University will cause the University to become subject to the Privacy Rule. Under the Privacy Rule, a single legal entity that engages in both covered and non-covered functions is allowed to designate itself a "Hybrid Entity" and to designate in writing its covered components for the purpose of establishing those portions of the single legal entity that will be required to comply with the Privacy Rule. Declaring itself a Hybrid Entity and designating covered components will benefit the University because it will clearly identify those portions of the University that are covered by the Privacy Rule and thereby facilitate compliance within the covered components while also clarifying the non-covered status of the remaining portions of the University.

II. Designation

Under the Privacy Rule, the designation of covered components is to be made according to the following criteria:

a) A component that would meet the definition of "covered entity" under HIPAA if it were a separate legal entity must be included as a covered component.

b) Divisions or departments of the entity that perform covered functions, or the covered functions themselves, must be included.

c) Any component may be included as a covered component if it performs activities on behalf of a covered component that require the use or disclosure of Protected Health Information.

Information that is provided by an individual for the sole purpose of receiving health care treatment is "Protected Health Information," and includes information required to fulfill billing tasks and health care operations of the health care provider.
The following units of the University are officially designated as covered components:

- Department of Emergency Services
- Rutgers Health Services
- Counseling and Psychological Services
- Graduate School of Applied and Professional Psychology
- Department of Psychology
- Occupational Health
- Sports Medicine/Athletics
- Office of General Counsel
- Risk Management
- Office of Information Technology
- Rutgers Police Department
- Employee Assistance Program
- Risk Assessment Team
- Internal Audit
- Douglass Developmental Disability Center

This designation may be amended from time to time as needed to include new covered components and to designate as covered components additional departments that provide support services to covered components requiring the use or disclosure of Protected Health Information.

Dated this ___ day of ____, 2010

By: ____________
Philip Furmaniski
Executive Vice President for
Academic Affairs