



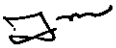
UNIVERSITY OF OREGON

MEMORANDUM

February 27, 2015

To: Debra McLaughlin, HIPPA Compliance Officer, University Health Center

Cc: General Counsel's Office

From: Jamie Moffitt, Vice President for Finance and Administration 

Subject: Declaration of Hybrid Entity Status and Documentation of HIPAA-Covered Components

The University of Oregon ("University") intends to comply with the Health Insurance Portability and Accountability Act and implementing regulations, as amended, 45 C.F.R. Parts 160 and 164 (collectively "HIPAA"), to the extent that HIPAA applies to the University. Because the primary function of the University is not to provide health care, however, the University can designate itself as a "Hybrid Entity" as defined in 45 C.F.R. §§ 164.103 and 164.105 of HIPAA. Consequently, some departments and divisions within the University that engage in electronic covered transactions are "covered components" under HIPAA, while other departments and divisions who do not engage in any such transactions are not subject to HIPAA. Covered components are also subject to HIPAA's Privacy, Security, and Breach Notification Rules with respect to any protected health information ("PHI") those components create, maintain, or transmit.

This memorandum and its attachment are intended to comply with the University's obligation to document the designation of its covered and non-covered components. See 45 C.F.R. § 164.105(a)(2)(iii)(D), (c)(1). Each University department (or division, if appropriate) listed in Attachment A to this memorandum will be designated as a "covered component," and the reasons for that designation will be briefly explained. See Attachment A (Documentation of Covered Components). Unless otherwise noted, the designation of a department as covered or non-covered applies to the entire department, including sub-departments, divisions, and programs under the administrative control of that department. Certain covered components listed in Attachment A, however, are designated only to the extent that they perform covered functions—i.e., where particular activities of the unit would make it a "business associate" of a covered component if the two were separate legal entities. Departments not listed will not be designated as covered components for the purposes

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of HIPAA compliance. The attachment to this memorandum may be amended as necessary to account for changes in the status of covered and non-covered components at the University.

Each designated covered component shall ensure its compliance with the applicable HIPAA requirements. The designated covered components that provide "business associate"-like services shall follow the same compliance rules as required of business associates were they a separate legal entity. The designated covered components may not share PHI with the non-covered components of the University, unless specifically permitted by HIPAA.

The University provides health care services to both students and non-students. While HIPAA applies to covered transactions involving the PHI of non-students, and the aforementioned covered components of the University must apply the HIPAA privacy rules, breach notification rules and, for electronic PHI, security rules to any such records, the University acknowledges that the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g ("FERPA"), not HIPAA, governs the education records of University students. HIPAA expressly excludes from its coverage such education records, as well student medical records. See 45 C.F.R. § 160.103. Accordingly, the aforementioned covered components will treat education records and student medical records in accordance with FERPA and applicable state law.

Attachment A
Documentation of Covered Components

The following University departments and divisions are “covered components” under the Health Insurance Portability and Accountability Act and implementing regulations, as amended, 45 C.F.R. Parts 160 and 164 (collectively “HIPAA”), for the reasons set forth below. To the extent these covered components create, maintain, or transmit protected health information (“PHI”), they are additionally subject to HIPAA’s Privacy, Security, and Breach Notification Rules.

Health Center – is designated as a *covered component* because this department is a “healthcare provider” that engages in “covered transactions,” and thus meets the definition of a “covered entity.”

Counseling and Testing Center – is designated as a *covered component* (with the exception of the Testing Center) because this department is a “healthcare provider” that engages in “covered transactions,” and thus meets the definition of a “covered entity.” Although the Testing Center receives administrative support from the department, functionally it is separate from the Counseling Center and by itself does not meet the definition of a “covered entity.” Accordingly, the University does not designate the Testing Center as a covered component.

Student Health Insurance Program – is designated as a *covered component* because it meets the definition of a “health plan” as a group plan that provides, or pays for the cost of, medical care.

Early Childhood CARES (EC CARES) – is designated as a *covered component* because this department is a “healthcare provider” that engages in “covered transactions,” and thus meets the definition of a “covered entity.”

Athletic Training Center – is designated as a *covered component* because this department is a “healthcare provider” that engages in “covered transactions,” and thus meets the definition of a “covered entity.”

Business Affairs Office – is a *covered component* only to the extent that it performs services involving PHI on behalf of another covered component which, if external to the University, would make it a “business associate” for HIPAA purposes (i.e., to the extent it acts like a business associate of a covered component). When performing financial services on behalf of a non-covered component, the Business Affairs Office is not a covered component.

Information Services (IS) – is a *covered component* only to the extent that it performs services involving PHI on behalf of another covered component which, if external to the University, would make it a “business associate” for HIPAA purposes (i.e., to the extent it acts like a business associate of a covered component). When performing information technology services on behalf of a non-covered component, IS is not a covered component.

Office of the Dean of Students – is a *covered component* only to the extent that it performs support services involving PHI on behalf of another covered component which, if external to the University, would make it a “business associate” for HIPAA purposes (i.e., to the extent it acts like a business associate of a covered component). When performing support services on behalf of a non-covered component, the Office of the Dean of Students is not a covered component.

Office of the General Counsel – is a *covered component* only to the extent that it performs legal services involving PHI on behalf of another covered component which, if external to the University, would make it a “business associate” for HIPAA purposes (i.e., to the extent it acts like a business associate of a covered component). When performing legal services on behalf of a non-covered component, General Counsel is not a covered component.

Office of Internal Audit – is a *covered component* only to the extent that it performs services involving PHI on behalf of another covered component which, if external to the University, would make it a “business associate” for HIPAA purposes (i.e., to the extent it acts like a business associate of a covered component). When performing audit services on behalf of a non-covered component, the Office of Internal Audit is not a covered component.

Enterprise Risk Services – is a *covered component* only to the extent that it performs services involving PHI on behalf of another covered component which, if external to the University, would make it a “business associate” for HIPAA purposes (i.e., to the extent it like a business associate of a covered component). When performing services on behalf of a non-covered component, Enterprise Risk Services is not a covered component.