



# Hybrids & BAs & Workforce

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## Definitions

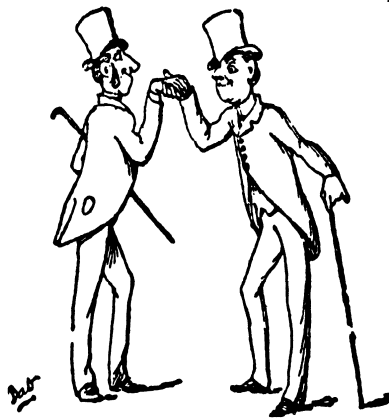
Covered entity	Hybrid entity	Health care component
<ul style="list-style-type: none"><li>• Health plan</li><li>• Health care clearinghouse</li><li>• Health care provider that transmits health information electronically for HIPAA transactions</li></ul>	<ul style="list-style-type: none"><li>• Carries out both covered and non-covered functions, AND</li><li>• Documents its hybrid entity status and designates its health care component</li></ul>	<ul style="list-style-type: none"><li>• The part(s) of the covered entity that are subject to HIPAA</li><li>• Includes:<ul style="list-style-type: none"><li>• Covered functions</li><li>• Business associate-like functions carried out by the covered entity</li></ul></li></ul>



## What goes in the designation of the health care component?

- Required:
  - **Covered functions:** The functions or activities that make the entity a covered entity
  - **Business associate-like functions:** Functions or activities that would create a business associate relationship if performed by a separate legal entity
- Optional:
  - The agency may include functions or activities that do not meet either of the above criteria if it chooses

## What is a business associate?



- A person or entity that
  - creates, receives, maintains, or transmits PHI on behalf of a covered entity, for a HIPAA covered function or activity
  - provides certain services involving PHI (legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, or financial)

## What is the “entity” that counts?

### County

- If the agency is a county department, then the county is the covered entity
  - County health department
  - County consolidated human services agency
- The county should be a hybrid entity, and the agency may be a hybrid within a hybrid

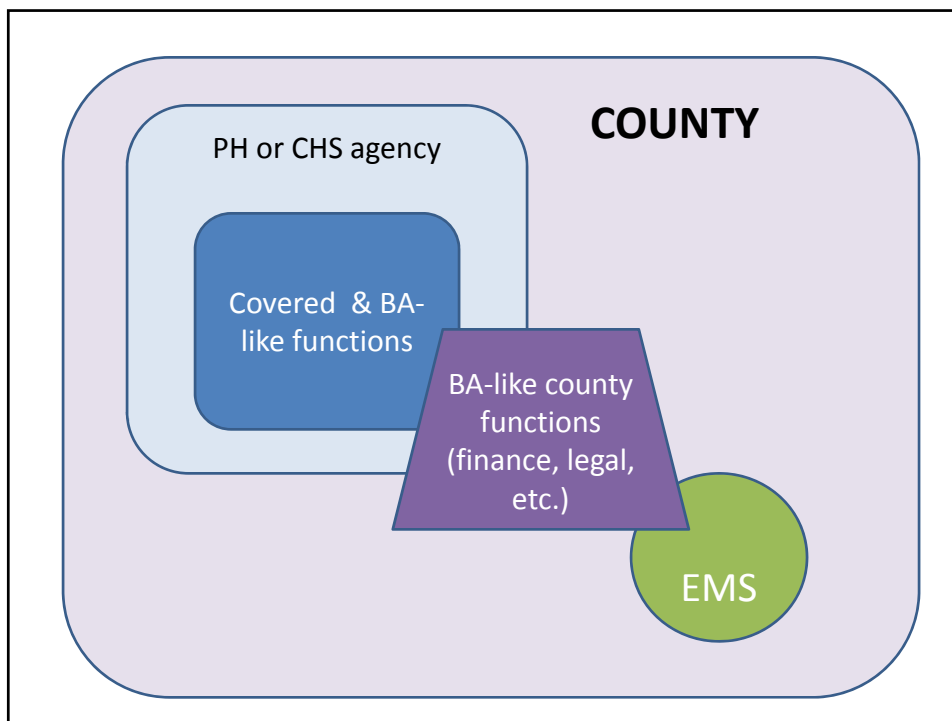
### Agency

- If the agency is a legal entity that is separate from a single county, then the agency is the covered entity
  - District health department
  - Public health authority
- The agency itself may be a hybrid entity

## PH OR CHS AGENCY

### Health care component (covered by HIPAA):

- Functions and activities that meet the definition of covered entity
- Business associate-like functions or activities within the agency
- Other functions/activities that agency chooses to include



## Hybrid entity designation

- Document it – write it down!
- Retain it – no requirement to file it with anyone, but should know where to find it.
- Use it –
  - to inform HIPAA policies and procedures
  - to ensure appropriate workforce training
  - to help answer questions about uses and disclosures of information, breaches, etc.
- Review it periodically and update as needed.

## Workforce

- Employees, volunteers, trainees, and other persons whose conduct in the performance of work is under the direct control of a covered entity or business associate



## Group work

