Hybrids & BAs & Workforce
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Definitions

Covered entity
- Health plan
- Health care clearinghouse
- Health care provider that transmits health information electronically for HIPAA transactions

Hybrid entity
- Carries out both covered and non-covered functions, AND
- Documents its hybrid entity status and designates its health care component

Health care component
- The part(s) of the covered entity that are subject to HIPAA
- Includes:
  - Covered functions
  - Business associate-like functions carried out by the covered entity
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?

<table>
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<tr>
<th>County</th>
<th>Agency</th>
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| 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 | 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