



Oklahoma State University

Title: Health Care Component	Policy #: SEC-00.02
Category: HIPAA Compliance	Authority: 45 CFR § HIPAA SECTION: 164.105(a)(1)
Standard: Organizational Requirements	Responsibility: Health Care Components
Effective Date: 4/20/2005	Page 1 of 3
Approved By: OSU Legal Counsel	Revised: 7/1/2013

PURPOSE:

To document how HIPAA applies to OSU and its official designation under the law.

POLICY:

Since OSU is a Hybrid entity under HIPAA, the requirements thereof only apply to the healthcare aspects of OSU.

OSU must ensure that a health care component of OSU complies with applicable requirements of §164. In particular, and without limiting this Safeguard requirement, OSU must ensure that:

- OSU's health care component does not disclose PHI to another component of OSU to the same extent that it would be required under the Privacy Rule to protect such information if the health care component and the other component were separate and distinct legal entities; §164.105(a)(2)(ii)(A)
- OSU's health care component does not disclose PHI to another component of OSU in circumstances in which the Security Rule would prohibit such disclosure if the health care component and the other component were separate and distinct legal entities; §164.105(a)(2)(ii)(B)
- If a person performs duties for both the health care component in the capacity of a member of the workforce of such component and for another component of the entity in the same capacity with respect to that component, such workforce member must not use or disclose PHI created or received in the course of or incident to the member's work for the health care component in a way prohibited by the Privacy Rule. §164.105(a)(2)(ii)(C)
- For purposes of the Enforcement Rule (subpart C of 45 CFR §160), pertaining to compliance and enforcement, OSU has the responsibility of complying with the Security, Breach and Privacy rules of HIPAA. §164.105(a)(2)(iii)(A)
- OSU is responsible for complying with §164.316(a) and §164.530(i), pertaining to the implementation of policies and procedures to ensure compliance with applicable requirements including the safeguard requirements as stated above. §164.105(a)(2)(iii)(B)
- OSU is responsible for complying with §164.314 and §164.504 regarding business associate arrangements and other organizational requirements. §164.105(a)(2)(iii)(C)



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- OSU is responsible for designating the components that are part of one or more health care components of the covered entity and documenting the designation in accordance with the previous bulleted item, provided that, if OSU designates one or more health care components, it must include any component that would meet the definition of a covered entity or business associate if it were a separate legal entity. Health Care component(s) also may include a component only to the extent that it performs covered functions. §164.105(a)(2)(iii)(D)

PROCEDURE:

OSU is a hybrid entity. OSU operates physicians clinics, which are a covered entity, and also operates a clearinghouse, separate from the clinics. Both are owned and operated by the same legal entity.

OSU will maintain all required documentation in accordance with the above stated policy.

- This includes, but not limited to all applicable policies with the Security Rule, Privacy Rule, Breach Notification Rule, Enforcement Rule, Business Associates and any other area within HIPAA.
- The following Departments in OSU are defined as healthcare components and would meet the definition of a covered entity or a business associate if they were legal separate entities:
 - o Academic Affairs
 - o Administrative Services
 - o Business Affairs
 - o Center for Aerospace and Hyperbaric Medicine
 - o Central Supply
 - o Clinic Financial Services
 - o Clinical Director
 - o Clinical Education
 - o Fiscal Affairs
 - o Forensic Science/Human ID Lab
 - o Health Access Network
 - o Health Information Technology
 - o Human Resources
 - o Information Technology
 - o Institutional Services
 - o Internal Audits



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- Marketing and Communications
- OSU Physicians Clinics
- Pathology
- Physical Plant
- Research
- Rural Health/Telehealth
- Safety
- Security/Campus Police

- OSU must maintain a written or electronic record of a designation as required by §164.105(a) & (b). §164.105(b)(2)(c)(1)
- OSU must retain the documentation as required by the previous bulleted item for 6 years from the date of its creation or the date when it was last in effect, whichever is later. OSU will keep all documentation written, or electronic within the HIPAA Compliance Office. §164.105(b)(2)(c)(2)
- All Employees or Agents of the above listed components of OSU shall adhere to all HIPAA Policies and Procedures as applicable.