



**Designated Components of the FIU HIPAA Hybrid Covered Entity
#1610.005**

INITIAL EFFECTIVE DATE: September 1, 2009	LAST REVISION DATE: February 29, 2024	RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT Office of Compliance and Integrity
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POLICY STATEMENT

Florida International University (“FIU”) is committed to protecting the privacy of Protected Health Information in compliance with all applicable federal and state laws, regulations and rules. For purposes of compliance with the Health Insurance Portability and Accountability Act (HIPAA), FIU has determined that it is a “Hybrid Covered Entity” and has designated the units that constitute Health Care Components (Components).

SCOPE

This policy applies to the Components specifically identified as part of the FIU HIPAA Hybrid Designation, its Workforce members, and Business Associates as identified in this policy and procedure.

REASON FOR POLICY

The purpose of this policy is to define the Components of the FIU Hybrid Covered Entity and describe the process for designation and review of any new or existing Components.

DEFINITIONS	
TERM	DEFINITIONS
Business Associate	<p>Generally, an entity or person who performs a function involving the use or disclosure of Protected Health Information (PHI) on behalf of a covered entity (such as claims processing, case management, utilization review, quality assurance, billing) or provides services for a covered entity that require the disclosure of PHI (such as legal, actuarial, accounting, accreditation).</p> <p>NOTE: A business associate relationship exists when an individual or entity, acting on behalf of an FIU HIPAA Component(s), assists in the performance of a function or</p>



	<p>activity involving the creation, use, disclosure, or access of PHI. This includes, but not limited to, claims processing or administration, data analysis, utilization review, quality assurance, billing, benefit management or repricing.</p> <p>NOTE: A Business Associate may include any individual or entity that receives PHI from a HIPAA Component in the course of providing legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, software support, or financial services. A Business Associates does not, however, include HIPAA Component workforce members.</p>
Covered Entity	<p>An entity that is subject to HIPAA.</p> <ol style="list-style-type: none"> 1. a health plan; 2. a health care clearinghouse; and/or 3. a health care provider who transmits any health information in electronic form in connection with a transaction covered by this subchapter.
Covered Function	<p>Means any function the performance of which makes the performer a health plan, health care provider, or a health clearinghouse.</p>
Component	<p>Means a component or combination of components of a hybrid entity designated by the hybrid entity (Florida International University). Those programs designated by FIU that must comply with the requirements of the Health Insurance Portability and Accountability Act of 1996, hereinafter referred to as "Components". Components of FIU are required to comply with the Administrative Simplification provisions of HIPAA because the Components perform a covered function.</p>
Health Care	<p>Means the care, services, or supplies related to the health of a patient, including:</p> <ol style="list-style-type: none"> 1. preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care, and counseling, service, assessment, or procedure with respect to the physical or mental condition, or functional status, of a patient/client or that affects the structure or function of the body; and 2. sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription.
Health Care Component	<p>See "Component"</p>



Health Care Provider	Means a provider of medical or health services and any other person or organization who furnishes, bills, or is paid for health care in the normal course of business.
Health Clearinghouse	means a public or private entity, including a billing service, repricing company, community health management information system or community <u>health information</u> system, and “value-added” networks and switches, that does either of the following functions: (1) Processes or facilitates the processing of <u>health information</u> received from another entity in a nonstandard format or containing nonstandard data content into <u>standard</u> data elements or a <u>standard transaction</u> . (2) Receives a <u>standard transaction</u> from another entity and processes or facilitates the processing of <u>health information</u> into nonstandard format or nonstandard data content for the receiving entity.
U.S. Department of Health and Human Services	Also known as HHS is a cabinet-level executive branch department of the U.S. federal government created to protect the health of the U.S. people and providing essential human services. Its motto is "Improving the health, safety, and well-being of America".
Health Information	Means any information, whether oral or recorded in any form or medium, that is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and relates to the past, present, or future physical or mental health or condition of an patient; the provision of health care to a patient; or the past, present, or future payment for the provision of health care to a patient.
HIPAA	Means the Health Insurance Portability and Accountability Act of 1996.
Hybrid Covered Entity	Means a single legal entity that performs both covered and non-covered functions. The entity has a defined health care component that engages in HIPAA electronic transactions.
Protected Health Information (PHI)	Means any individually identifiable health information collected or created in the course of the provision of health care services by a covered entity, in any form (written, verbal or electronic). PHI relates to the past, present, or future physical or mental health or condition of an individual or the past, present, or future payment



	for the provision of health care to an individual. Protected Health Information however specifically excludes: <ol style="list-style-type: none"> 1. Education records covered by the Family Educational Rights and Privacy Act, as amended, 20 U.S.C. § 1232g (“FERPA”); 2. Records described at 20 U.S.C. § 1232g(a)(4)(B)(iv); and 3. Employment records held by a covered entity in its role as an employer.
Secretary	Means the Secretary of Health and Human Services or any other officer or employee of HHS to whom the authority involved has been delegated.
Standard	Means a rule, condition, or requirement: <ol style="list-style-type: none"> 1. Describing the following information for products, systems, services, or practices: <ol style="list-style-type: none"> a. Classification of components; b. Specification of materials, performance, or operations; or c. Delineation of procedures; or 2. With respect to the privacy of protected health information.
Treatment, Payment, and Healthcare Operations	(TPO)
Treatment	Means the provision, coordination, or management of health care and related services among health care providers or by a healthcare provider with a third party, or consultative services among providers regarding a patient.
Use	With respect to patient identifiable health information, the sharing, employment, application, utilization, examination, or analysis of such information within an entity that maintains such information.
Workforce	Means employees, volunteers, trainees, and other persons whose conduct, in the performance of work for a covered entity (FIU HIPAA Component) or business associate, is under the direct control of such covered entity or business associate, whether-or-not they are paid by the covered entity or business associate.

ROLES AND RESPONSIBILITIES

1. **Compliance Oversight:** The Office of University Compliance and Integrity (University Compliance)

- Evaluates all federal and state healthcare privacy laws, regulations, rules and ordinances (Rules) to ensure compliance with the Rules
- Develops and maintains in coordination with the Office of General Counsel and the HIPAA Hybrid Designated Component Privacy Coordinators all required University-wide Privacy Rule policies and procedures.
- Partners with the Division of Information Technology HIPAA Security Officer to ensure compliance with all federal and state healthcare privacy and security laws, regulations rules, and ordinances.

2. HIPAA Components:

- Each FIU HIPAA Hybrid Designated Component must designate a Privacy Coordinator responsible for overseeing and ensuring the Component's implementation and compliance with the HIPAA Privacy Rule, FIU's associated HIPAA Privacy Policies and Procedures, and any applicable state laws and/or regulations governing the confidentiality, integrity and availability of PHI and electronic PHI (ePHI).

RELATED RESOURCES

References

- 45 CFR §164.105(a)(2)(iii)(D)

Related Policies

- FIU Policy and Procedure #1660.070 (Designation of HIPAA Privacy Officer and Component Privacy and Security Coordinators)
- FIU Policy and Procedure #1660.015 (Business Associate Agreements)

CONTACTS

For further information concerning this policy, please contact the FIU Office of Compliance & Integrity at (305) 348-2216, compliance@fiu.edu, hipaaprivacy@fiu.edu, or the appropriate Component Privacy Coordinator.



HISTORY

Initial Effective Date: September 1, 2009 (Formerly known as “Designated Health Care Components of FIU Community (faculty, staff students))

Review Dates (*review performed, no updates*): n/a

Revision Dates (*review performed, updates made to document*): June 8, 2015, December 31, 2017, and March 3, 2020; August 31, 2021; February 29, 2024.



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PROCEDURE STATEMENT

I. Designation of FIU’s HIPAA Hybrid Health Care Components

- A. There are certain FIU units that engage in certain functions that are covered by the HIPAA Privacy and Security Rules. FIU has designated the following units that will comprise its Covered Health Care Component (Health Care Components):
- FIU Academic Health Center Faculty Group Practice, excluding research.
 - FIU Green Family Foundation NeighborhoodHELP Program, excluding research.
 - FIU Green Family Foundation NeighborhoodHELP Program, Linda Fenner 3D Mobile Mammography Center, excluding research.
 - College of Arts and Science Center for Children and Families, excluding research.

II. Designation of FIU’s HIPAA Hybrid Components

- A. There are certain FIU units that perform specific business associate type activities and are therefore included in the FIU Health Hybrid Designation to the extent these Components are engaged in HIPAA-related activities or provide business associate-type support to the Health Care Components listed above in A. The FIU Components performing specific business associate type activities are:
- The Office of General Counsel.
 - The Office of Internal Audit.
 - The Office of Compliance & Integrity.
 - The Division of Information Technology.
 - The Herbert Wertheim College of Medicine (“HWCOM”), excluding research,
- B. The FIU Health Care Components and Components must adhere to the HIPAA Privacy and Security Rules, Florida law, and all FIU HIPAA associated policies and procedures. HIPAA compliance matters must be reported to the Director of Compliance and Privacy for Health Affairs (HIPAA Privacy Officer), the HIPAA Security Officer, and/or the Component Privacy and/or Security Coordinators.
- C. The designation of Health Care Components and Components is subject to change, as necessary and appropriate. Such change is made by the Chief Compliance and Privacy Officer in consultation with the Office of General Counsel and the Director of Compliance and Privacy for Health Affairs.