

COVERED ENTITY STRUCTURES

POLICY - Covered Entity Structures. Special rules apply to the privacy obligations of certain kinds of business organizations, affiliations, joint ventures, and operations. This section identifies these special rules. Only our Privacy Officer or our Legal Department may determine that a certain kind of business organization, affiliation, joint venture, or operation involving our organization qualifies for these special rules regarding the privacy of protected health information.

POLICY - Organized Health Care Arrangement. A health care provider organized health care arrangement is an arrangement of covered entities that may share the minimum necessary protected health information as needed to manage and benefit the health care operations of their common enterprise, if the arrangement involves:

- A clinically–integrated care setting where individuals typically receive health care from more than one health care provider (e.g., a hospital and its medical staff).
- An organized system of health care that holds itself out to the public as participating in a joint arrangement and in which the participating covered entities jointly engage in utilization review, quality assessment and improvement activities, or risk–sharing payment activities (e.g., an independent practice association).

POLICY - Hybrid Entity. A hybrid entity is a covered entity that has business activities that include both covered functions and other, non–health care functions. A hybrid entity must treat all of its business activities, including its non–health care functions, as subject to the Privacy Rules, unless it designates in writing every one of its components that performs covered functions as its health care components. After making such designation, only its health care components will be subject to the Privacy Rules. A hybrid entity may include in its health care components any component that performs business associate functions or activities for a health care component.

A hybrid entity is responsible for its compliance and the compliance of its health care components with the Privacy Rules. A hybrid entity must implement privacy policies and procedures that ensure compliance with the Privacy Rules, including that its health care components do not disclose protected health information to, or permit use of protected health information by, another component of the hybrid entity in ways that the Privacy Rules prohibit for legally independent entities. A workforce member who performs duties for the health care components and the other components must not use or disclose protected health information created or received in the course of or incident to the duties for the health care components in ways that the Privacy Rules prohibit.

PROCEDURE

Hybrid Entity Designation. Senior management in consultation with our Privacy Officer and our Legal Department will determine whether we or one of our affiliates will be designated a hybrid entity.

Each hybrid entity will adopt and implement privacy policies and procedures to ensure compliance with the Privacy Rules. Members of the hybrid entity's workforce that perform duties for the health care components and the other components must not use or disclose protected health information created or received in the course of or incident to duties for the health care components in "a" or "any" way prohibited by the hybrid entity's privacy policies and procedures or by the Privacy Rules.

POLICY - Single Affiliated Covered Entity. Covered entities that are legally separate, but affiliated by common ownership or common control may designate themselves or their health care components as a single affiliated covered entity for Privacy Rules compliance. The designation must be in writing.

Each member of a single affiliated covered entity and its health care components must comply with the Privacy Rules applicable to the covered functions they perform. A single affiliated covered entity must not allow use or disclosure of protected health information received only with respect to one covered function to be used or disclosed for other covered functions, except as the Privacy Rules allow of non-affiliated covered entities.

PROCEDURE - Senior management in consultation with our Privacy Officer and our Legal Department will determine whether and which affiliates of our organization should be designated as a single affiliated covered entity.

POLICY - Multiple-Function Covered Entity. A covered entity that performs multiple covered functions is a multiple-function covered entity. A multiple-function covered entity must comply with the provisions of the Privacy Rules applicable to its various covered functions and may not allow protected health information received only with respect to one covered function to be used or disclosed for other covered functions, except as the Privacy Rules allow for covered functions performed by independent covered entities.

PROCEDURE

Multiple-Function Covered Entity. You must not allow protected health information received only with respect to one covered function to be used or disclosed for other covered functions, unless our Privacy Officer approves the use or disclosure.