



UW-Madison Administrative Policy
Policy # HIPAA 1.1

Designation of the UW-Madison Health Care Component

Effective Date: April 14, 2003
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Last Reviewed:
Next Review:

Functional Owner	UW-Madison HIPAA Privacy Officer
Executive Sponsor	UW-Madison Chancellor
Policy Contact	UW-Madison HIPAA Privacy Officer

Policy Summary

HIPAA regulations apply to businesses and individuals in the health care industry such as health plans and health care providers. These are called “covered entities,” meaning they are ‘covered’ by HIPAA. UW-Madison is a “hybrid entity” because the campus includes both units that perform HIPAA-covered functions (such as providing health care) and units that do not.

As a hybrid entity, UW-Madison has designated its units that perform covered functions and individuals or units that perform support functions on behalf of those designated units as its “Health Care Component.”

Who This Policy Applies To

Applies to all members of the UW-Madison Health Care Component.

Rationale

In enacting HIPAA, Congress mandated the establishment of Federal standards for the privacy of individually identifiable health information. Under the patchwork of laws existing prior to adoption of HIPAA and the Privacy Rule, personal health information could be distributed—without either notice or authorization—for reasons that had nothing to do with a patient's medical treatment or health care reimbursement. For example, unless otherwise forbidden by State or local law, without the Privacy Rule patient information held by a health plan could, without the patient’s permission, be passed on to a lender who could then deny the patient's application for a home mortgage or a credit card, or to an employer who could use it in personnel decisions. The Privacy Rule establishes a Federal floor of safeguards to protect the confidentiality of medical information. State laws which provide stronger privacy protections apply over and above the new Federal privacy standards.

Units of the Designated UW-Madison Health Care Component

1. School of Medicine and Public Health (SMPH), as outlined below:
 - 1.1 The following Departments, Institutes, and Centers, in their entirety:
 - 1.1.1 Anesthesiology
 - 1.1.2 Biostatistics & Medical Informatics
 - 1.1.3 Dermatology
 - 1.1.4 Emergency Medicine
 - 1.1.5 Family Medicine and Community Health
 - 1.1.6 Human Oncology
 - 1.1.7 Medical Physics
 - 1.1.8 Medicine
 - 1.1.9 Neurological Surgery
 - 1.1.10 Neurology
 - 1.1.11 Obstetrics and Gynecology
 - 1.1.12 Ophthalmology and Visual Sciences
 - 1.1.13 Orthopedics and Rehabilitation Medicine
 - 1.1.14 Pathology and Laboratory Medicine
 - 1.1.15 Pediatrics
 - 1.1.16 Psychiatry
 - 1.1.17 Radiology
 - 1.1.18 Surgery
 - 1.1.19 Urology
 - 1.1.20 Carbone Cancer Center
 - 1.1.21 Center for Human Genomics and Precision Medicine
 - 1.1.22 Center for Tobacco Research and Intervention
 - 1.1.23 Institute for Clinical and Translational Research
 - 1.1.24 Wisconsin Alzheimer's Institute (known as "WAI")
 - 1.2 The following "central" SMPH administrative personnel and offices:
 - 1.2.1 Information technology staff
 - 1.2.2 Risk management
 - 1.2.3 Senior administrators and their support staff
 - 1.2.4 Human resources
 - 1.2.5 HIPAA Privacy and Security coordinators
 - 1.2.6 Office of Clinical Trials
2. School of Pharmacy (clinical units only), including its senior administrators and their support staff, human resources, HIPAA Privacy and Security coordinators, and information technology staff.

3. School of Nursing
4. Waisman Center’s clinics and programs outlined below, as well as its senior administrators and their support staff, human resources, HIPAA Privacy and Security coordinators, and information technology staff.
 - 4.1 Autism and Developmental Disabilities Clinic
 - 4.2 Autism Treatment Program
 - 4.3 Bone Dysplasia Clinic
 - 4.4 Biochemical Genetics Clinic
 - 4.5 Brain Imaging Core
 - 4.6 Cerebral Palsy Clinic
 - 4.7 Communication Aids & Systems Clinic
 - 4.8 Community Ties Clinic and Program
 - 4.9 Down Syndrome Clinic
 - 4.10 Medical Genetics Clinic
 - 4.11 Neuromotor Development Clinic
 - 4.12 Newborn Follow-up Clinic
 - 4.13 Pediatric Brain Care Clinic
 - 4.14 Waisman Early Childhood Program
5. University Health Services
6. State Laboratory of Hygiene, excluding the Environmental Testing unit (except for the Clinical Toxicology subdivision of that unit), the Forensic Toxicology unit, the Chemical Terrorism unit, the OSHA testing unit, the OSHA Consultation Program, and the Labor Statistics Program.
7. Division of Intercollegiate Athletics (also known as the “Athletics Department”) credentialed health care providers, staff members interacting with Protected Health Information and their support staff, HIPAA Privacy and Security coordinators, and information technology staff.
8. The following “central campus” administrative personnel and offices within the University, to the extent they perform support functions on behalf of any of the Health Care Component units listed above and must access Protected Health Information in performing those support functions.
 - 8.1. Accounting Services
 - 8.2. Administrative Information Management Services
 - 8.3. Division of Information Technology (including the Office of Cybersecurity, the Help Desk and Incident Response personnel)
 - 8.4. Health Sciences Institutional Review Boards (known as “IRBs”)
 - 8.5. Office of Compliance
 - 8.6. Office of Human Resources
 - 8.7. Office of Legal Affairs
 - 8.8. Office of Research Compliance

8.9. Other individuals or offices may become part of the Health Care Component for limited projects. Such individuals must contact the HIPAA Privacy Officer if their work necessitates the need to access Protected Health Information prior to such access.

9. Researchers and other key personnel on human subjects protocols

Researchers and other key personnel employed by UW-Madison and holding appointments outside units of the Health Care Component designated above are members of the Health Care Component when they conduct research involving the use of Protected Health Information in collaboration with researchers with appointments in any unit of the Health Care Component designated above. Membership in the Health Care Component lasts for the duration of such research.

Consequences for Non-Compliance

Failing to comply with this policy may result in discipline for the individual(s) responsible for such non-compliance.

Further, the US Department Health and Human Services (HHS) Office for Civil Rights (OCR) is responsible for enforcing the HIPAA Privacy and Security Rules, and an individual's non-compliance may result in institutional non-compliance and/or an investigation by OCR. OCR attempts to resolve investigations by obtaining voluntary compliance and entering into Corrective Action Plans and Resolution Agreements. Failures to comply with HIPAA or cooperate with OCR in an investigation may result in civil and/or criminal penalties.

Supporting Tools

Additional information may be found at www.compliance.wisc.edu/hipaa.

Definitions

1. **Covered Entity:** A health plan, health care clearinghouse, or health care provider that transmits any health information in electronic form in connection with a transaction covered by HIPAA.
2. **Health Care Component (or "HCC"):** A component or combination of components of a hybrid entity designated by the hybrid entity as covered by HIPAA.
3. **Hybrid Entity:** A single legal entity that meets the definition of a covered entity, but whose business activities include both HIPAA-covered and non-covered functions, and that designates a health care component.

4. **UW-Madison Health Care Component (“UW HCC”)**: Those units of UW-Madison that have been designated as part of its health care component.

Responsible Parties

HIPAA Privacy Officer
HIPAA Security Officer

Link to Current Policy

[TBD]

Link to Related Policies

<https://compliance.wisc.edu/policies-and-forms/>

Link to Policy History

N/A

Review / Approval

- HIPAA Executive Board, July 14, 2020
- HIPAA Privacy and Security Operations Committee, April 17, 2020