Designation of the University of Wisconsin Affiliated Covered Entity (also known as the “UW ACE” or “UW Health ACE”)

Effective Date: April 14, 2003
Last Updated: March 26, 2020
Previously Updated: November 22, 2019, July 12, 2018, and May 26, 2014
Last Reviewed: 
Next Review: 

Policy Summary

The following entities or units thereof comprise the University of Wisconsin Affiliated Covered Entity:

1. The Units of the UW-Madison Health Care Component, except University Health Services, the State Laboratory of Hygiene, and the Athletics Department;
2. The University of Wisconsin Hospitals and Clinics Authority;
3. The University of Wisconsin Medical Foundation, Inc.; and
4. SwedishAmerican Hospital, including SwedishAmerican Medical Group, SwedishAmerican Home Health Care, and SwedishAmerican Medical Center Belvidere; and
5. Chartwell-Midwest Wisconsin, LLC and Chartwell-Midwest Wisconsin Health Resources, LLC

UW-Madison researchers with appointments to departments or programs which are not included in the UW HCC (as defined below) and key personnel working with such researchers who conduct research involving the use of protected health information in collaboration with researchers with appointments in the UW HCC (as defined below) are considered members of the UW HCC and, thus, the UW ACE for purposes of such research.

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.

**Policy Detail**

1. Documentation Requirements

   1.1 In accordance with HIPAA, the UW ACE is formally documented by the members of the UW ACE in an “Affiliated Covered Entity Designation Agreement” effective July 1, 2019.

**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](http://www.compliance.wisc.edu/hipaa).

**Definitions**

1. **Affiliated Covered Entity** (“ACE”): Legally separate covered entities that are affiliated (under common ownership or control) and designate themselves as a single covered entity for purposes of complying with HIPAA.

2. **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.

3. **Health Care Component** (“HCC”): A component or combination of components of a hybrid entity designated by the hybrid entity as covered by HIPAA.
4. **Hybrid Entity**: A single legal entity that meets the definition of a covered entity, but whose business activities include both covered and non-covered functions, and that designates a health care component(s).

5. **UW-Madison Health Care Component** ("UW HCC"): Those units of the University of Wisconsin-Madison that have been designated by the University as part of its health care component under HIPAA.

**Responsible Parties**

HIPAA Privacy Officer
HIPAA Security Officer

**Link to Current Policy**

[TBD]

**Link to Related Policies**

[https://compliance.wisc.edu/policies-and-forms/](https://compliance.wisc.edu/policies-and-forms/)

**Link to Policy History**

N/A

**Review / Approval**

- HIPAA Executive Board, March 26, 2020