



## HYBRID ENTITY Fact Sheet

### How to Create a Hybrid Entity Policy

If an independent health department or the legal entity, within which the health department resides, chooses to be a hybrid entity, it must designate its components in compliance with the Health Insurance Portability and Accountability Act, Public Law 104-191 (“HIPAA”) Privacy Rule. Absent this designation, the HIPAA Privacy Rule requirements apply to the entire legal entity.

The HIPAA Privacy Rule requires identification of components that would meet the definition of a covered entity or business associate, if they were separate legal entities. Covered entities have the option of including health care providers that do not bill electronically or engage in other standard electronic transactions. Guidance regarding the hybrid entity assessment is available on this [Fact Sheet](#).

This designation must be in writing or recorded electronically. Electronic recordation, *i.e.*, saving a copy of the policy in Word or other word processing program, provides for ease of revision and is generally preferred. Typically, this designation takes the form of a hybrid entity policy.

HIPAA coverage re-assessment should occur whenever there is a change in organizational function or structure, applicable law or in the way that protected health information (“PHI”) is collected, used or disclosed. To stay current, some organizations require review of the HIPAA coverage assessment on an annual basis. Whenever re-assessment reveals a change in the HIPAA classification of any of the components, review whether a change in the Hybrid Entity Policy is appropriate.

Covered entities must retain this documentation for six years from its creation or the date when it was last in effect, whichever is later.

The following Hybrid Entity Policy Template documents the hybrid entity and its required components.

Because this policy is a useful reference for a variety of HIPAA compliance activities, such as contracting, it is also recommended that the policy document non-covered services.

Attached: [Hybrid Entity Policy Template](#)



## SUPPORTERS



Robert Wood Johnson Foundation

**The Network for Public Health Law is a national initiative of the Robert Wood Johnson Foundation.**

**This document was developed by Sallie Milam, JD, CIPP/US/G, Deputy Director, Network for Public Health Law – Mid-States Region Office, and reviewed by Denise Chrysler, JD, Director, Network for Public Health Law – Mid-States Region Office. The Network for Public Health Law provides information and technical assistance on issues related to public health. The legal information and assistance provided in this document does not constitute legal advice or legal representation. For legal advice, please consult specific legal counsel.**