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**STATEMENT REGARDING THE MASSACHUSETTS DEPARTMENT OF PUBLIC  
HEALTH'S STATUS AS A COVERED ENTITY UNDER HIPAA**

The Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended by the Health Information Technology for Economic and Clinical Health Act (HITECH Act), is a federal law designed to improve the portability and continuity of health care coverage, standardize health care transactions, and implement requirements surrounding health information privacy and security.

A legal entity that performs both covered and non-covered functions may designate itself as a hybrid entity under HIPAA. Because the activities of the Massachusetts Department of Public Health ("MDPH" or "the Department") include both covered and non-covered functions, the Department has designated itself as a hybrid entity under HIPAA since 2003.

The Department regularly evaluates the operations of its numerous programs to ensure that its designations as a hybrid covered entity remain complete and accurate. As such, in compliance with 45 CFR §164.105 (a)(2)(iii)(C), the Department has designated the following programs as covered components within the hybrid entity:

- The Public Health Hospitals
  - Lemuel Shattuck Hospital
  - Pappas Rehabilitation Hospital for Children
  - Tewksbury Hospital
  - Western Massachusetts Hospital
- The State Office of Pharmacy Services
- The Childhood Lead Screening Laboratory within the Division of Analytical Chemistry (DACH) of the Bureau of Infectious Disease and Laboratory Sciences (BIDLS)
- The Sexually Transmitted Infections (STI) Laboratory within the Division of Sexually Transmitted Infections and Mycobacteriology (DSTM) of the Bureau of Infectious Disease and Laboratory Sciences (BIDLS)
- Services that involve PHI, which are provided to the above-listed covered components by:

- Office of General Counsel;
- Accounting;
- Office of the Commissioner;
- Bureau of Public Health Hospitals;
- Bureau of Infectious Disease and Laboratory Sciences (BIDLS); and
- Quality control and technical services provided by the State Laboratory Institute in support of the Childhood Lead Screening Laboratory and Sexually Transmitted Infections (STI) Laboratory.

This list includes those programs within the Department that would meet the definition of a covered entity<sup>1</sup> if each were a separate legal entity. This list may continue to evolve in the future if certain business practices change.

While only the above-listed programs are required to comply with the Privacy and Security Rules under HIPAA, the Department has implemented confidentiality and security policies department-wide that incorporate many of the HIPAA standards.

The Department continues to recognize the importance of HIPAA compliance, and will continue to regularly review its status under HIPAA.

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<sup>1</sup> 45 CFR § 160.103 (definition of covered entity)