



The Commonwealth of Massachusetts
Executive Office of Health & Human Services
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STATEMENT REGARDING THE EXECUTIVE OFFICE OF HEALTH & HUMAN SERVICES' STATUS AS A HYBRID 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"), 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 Executive Office of Health & Human Services ("EOHHS") include both covered and non-covered functions, EOHHS hereby designates itself as a Hybrid Entity under HIPAA.

EOHHS 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)(D), EOHHS has designated the following programs as covered components within the hybrid entity:

- The Office of Medicaid;

Services that involve PHI, which are provided to the above-listed covered components by:

- the Office of Administration Services (including, without limitation, EOHHS IT);
- the Office of Human Resources;
- the Office of Leasing and State Owned Property (also known as Facilities); and,
- Office of General Counsel;
- Human Service Transportation Office;

This list includes those programs within EOHHS that would meet the definition of a covered entity¹ 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, EOHHS has implemented confidentiality and security policies department-wide that incorporate many of the HIPAA standards.

EOHHS recognizes the importance of HIPAA compliance, and will continue to regularly review its status under HIPAA.

¹ 45 CFR § 160.103 (definition of covered entity)