



Health Insurance Portability and Accountability Act (HIPAA) Hybrid Entity Designation

Policy Statement

Baylor University (Baylor) is a comprehensive, doctoral-degree granting research institution. Certain business units of Baylor engage in Covered Transactions, as defined by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended by the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH Act) and implementing regulations. Pursuant to the provisions of HIPAA, Baylor University elects to operate as a Hybrid Entity with identified Health Care Components subject to the privacy and security provisions of HIPAA and non-health care components not otherwise subject to HIPAA (except to the extent that the provisions of Texas Health and Safety Code Section 181 make the same applicable under state law).

Designation of Baylor's Covered Health Care Components

Under HIPAA, operating units of a Hybrid Entity are designated as Health Care Components based on one or more of the following criteria:

1. A department that would meet the definition of a covered entity if it were a separate legal entity.
2. A department that performs covered functions or transactions under HIPAA.
3. A department that performs activities that would make it a business associate if it were a separate legal entity.

However, any individually-identifiable health information maintained by any Baylor department on a Baylor student is specifically exempted from coverage as Protected Health Information under HIPAA and, therefore, does not cause such department to become a Covered Entity.

This document serves as the written designation of the Health Care Components of Baylor University as required by 45 C.F.R 164.504(c)(3)(iii), effective as of July 1, 2019. The following departments or divisions are designated as HIPAA-Covered Health Care Components of Baylor University:

Clinical Operations — Academic departments and student support services of the University engage in standard HIPAA transactions, including, but not limited to, providing health care services, maintaining protected health information and transmitting PHI electronically for the purpose of insurance billing:

1. Intercollegiate Athletics — Sports Medicine, to the extent its health care providers conduct any standard HIPAA transactions electronically, directly or through a vendor;
2. Division of Student Life — Student Health Services (including massage therapy, medical, pharmacy, physical therapy, psychiatry and psychology services) to the extent that its health care providers conduct any standard HIPAA transactions electronically, directly or through a vendor.

Administrative Support Services — Professional staff departments of Baylor, to the extent any personnel use and disclose individually identifiable health information in providing administrative and support services to the designated entities above, and would constitute a business associate if the department was a separate legal entity:

1. Compliance and Risk Management Services
2. General Counsel
3. Human Resource Services
4. Information Technology Services
5. Intercollegiate Athletics
6. Internal Audit
7. Privacy Office


Note that Baylor, through its Human Resource Services, maintains employee health records in its capacity as an employer, which are excluded from the definitions of PHI under HIPAA. Further, Baylor Human Resource Services may maintain various employee health records in its capacity as employer sponsor of the University's group health plans, which are separate legal entities covered by HIPAA, independent of the University. These plans currently include medical and dental care, prescription drug benefits, flexible spending accounts, vision insurance, other supplemental insurance plans and employee assistance program. The plans have HIPAA compliance obligations separate and apart from the University, and they are not health care components of Baylor.

Designation of Privacy and Security Officers

Baylor designates Doug Welch, its Chief Privacy Officer, Doug_Welch@Baylor.edu, as HIPAA Privacy Officer for its Health Care Components. Baylor designates Jon Allen, Interim Chief Information Officer and Chief Information Security Officer, Jon_Allen@Baylor.edu, as HIPAA Security Officer for its Health Care Components. For any questions about Baylor's compliance with applicable HIPAA, FERPA, or state privacy and security laws and regulations regarding individually identifiable health information, please contact one of these officers.

Non-Retaliation Policy

Baylor, its health care components and its personnel shall not intimidate, threaten, coerce, discriminate against or take other retaliatory action against anyone for exercising his/her right under HIPAA privacy regulations or for participating in any process established thereunder; nor for filing a complaint, participating in an audit, investigation or review conducted by Baylor or any government agency, or for opposing any act or practice made unlawful by the privacy regulations. Any individual who believes that some form of retaliation under HIPAA privacy regulations has occurred or is occurring should report such concern to the Chief Privacy Officer.


Linda A. Livingstone, Ph.D.
President, Baylor University