

# MEMORANDUM

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TO: File

FROM: Joshua B. Toas, VP of Compliance & Chief Compliance Officer

DATE: October 27, 2016

SUBJECT: HIPAA Hybrid Entity



[www.rfsuny.org](http://www.rfsuny.org)

The Research Foundation for The State University of New York was chartered by the New York State Board of Regents in 1951 to assist The State University of New York through the provision of services that would allow for more extensive educational opportunities and services to its students, faculty and staff. These opportunities and services include life-changing research across numerous fields as well as research based training programs.

The mission of The State University of New York is to provide to the people of New York broadly accessible educational services of the highest quality, fully representative of all segments of the population in a complete range of academic, professional and vocational postsecondary programs. The State University of New York ("SUNY") and The Research Foundation for The State University of New York ("Foundation") continue to work together to facilitate the conduct of sponsored programs that support SUNY's academic mission.

In the course of providing educational, research and public services for the people of the state of New York, certain sponsored programs may include activities that fall within the definition of the activities of a covered entity. In the course of conducting sponsored program activity on behalf of SUNY, the Foundation conducts both covered and non-covered functions and elects to be a hybrid entity under HIPAA as provided by 45 C.F.R. § 164.103.

**Designation of Covered Components.** As a hybrid entity, the applicable HIPAA compliance obligations only apply to the Research Foundation's designated health care components. The designated components covered under the designation of hybrid entity are limited to the following:

- At SUNY Downstate Medical Center, the Infant and Child Learning Center;
- At SUNY Binghamton University, The Institute for Child Development; and
- At SUNY Plattsburgh, the Center for Neurobehavioral Health.

**Health Care Components Responsibility.** Each designated health care component shall ensure its compliance with the applicable HIPAA requirements. The designated health care components which provide business associate services shall follow the compliance rules of the designated health care component for which it is providing business associate services. Each designated health care component, or its designee, shall provide compliance reports to the Foundation's Chief Compliance Officer at least annually.

Thank you.

cc: Office of the General Counsel