



NEW YORK CITY DEPARTMENT OF  
HEALTH AND MENTAL HYGIENE  
Mary T. Bassett, MD, MPH  
*Commissioner*

**Suzette E. Gordon**  
Deputy General Counsel  
and Chief Privacy Officer  
42-09 28<sup>th</sup> Street  
CN 30 – Cubicle 14-93  
New York, NY 11101

+1 347-396-4471 tel  
+1 347-396-6087 fax

## Statement of the New York City Department of Health and Mental Hygiene Regarding Hybrid Entity Status Pursuant to HIPAA

The New York City Department of Health and Mental Hygiene (“DOHMH”) has declared itself a hybrid entity under the Health Insurance Portability and Accountability Act of 1996, and the regulations promulgated thereunder (“HIPAA”). This determination was made after a thorough analysis of the many and varied programs at the Department.

HIPAA defines a hybrid entity as a single covered entity whose business activities include both covered and non-covered HIPAA functions. As a hybrid entity under HIPAA, the Department as a whole is considered a covered entity whose business activities include both covered and non-covered functions. In compliance with 45 CFR §164.105(a)(2)(iii)(D), The Department hereby designates the following programs as covered health care components within the hybrid entity:

1. Immunization Clinical Services
  2. Sexually Transmitted Clinical Services
  3. Tuberculosis Clinical Services
  4. The Nurse Family Partnership
- (“Covered Programs”)

In addition, the following programs and services that access protected health information acquired and maintained by the Covered Programs are also designated as covered health care components when they create, receive, maintain, or transmit Protected Health Information on behalf of a Covered Program:

1. The Division of Information Technology
2. The Office of the General Counsel
3. The Division of Finance, Office of Medicaid Management (billing services)
4. Clinical Quality Management and Improvement (Quality improvement)
5. Audit services
6. Planning and Program Analysis

The Department included in its covered health care components those programs that would meet the definition of a covered entity, or business associate, if each were a separate legal entity. This list could change in the future, and will be amended as necessary. Currently, only the above programs are required to comply with the Privacy and Security Rules under HIPAA. Nonetheless, it is important to point out that non-covered programs receiving personal health information in their public health role, are subject to various laws, regulations and policies.