



**Procedure Title:** Health Insurance Portability and Accountability Act  
(For Colleges that bill Medicaid or use a contracted service to bill for Medicaid.)  
**Procedure Number:** 03-2006-0004  
**Board Policy Reference:** IV.B. Human Resources Direction  
**NWCCU Standard:**

**Accountable Administrator:** President  
**Position responsible for updating:** Chief Human Resources Officer  
**Original Date:** 04-03-06  
**Date Approved by Cabinet:** 05-09-06  
**Authorizing Signature:** *Signed original on file*  
**Dated:** 05-10-06  
**Date Posted on Web:** 07-15-09  
**Revised:** 07-09  
**Reviewed:** 07-13

**Purpose/Principle/Definitions:**

The College has determined that it meets the definition of a hybrid of covered entities<sup>1</sup> under the Health Insurance Portability and Accountability Act (HIPAA). As the College offers health-care provider programs and services that include electronic billing for the reimbursement of services under Oregon Medicaid programs, or contracts with another entity to provide such services, it is subject to HIPAA.

As a covered entity, BMCC will meet the national electronic transaction standards and applicable requirements of federal law. In all electronic transactions involving student education records information, the College will adhere to the confidentiality requirements of the Family Educational Rights and Privacy Act (FERPA).

The President will ensure that training is provided to appropriate staff with access to, and responsibility for, electronic transactions of student education records information as required by HIPAA. Notice will be provided to students and parents of their rights pertaining to the disclosure of personally identifiable information, complaint procedures,

<sup>1</sup> A “covered entity” is an entity subject to HIPAA. These include those entities defined under the Act as a health plan, health-care clearinghouse, health-care provider or hybrid entity. A hybrid of covered entities is a single legal entity that is a covered entity and whose covered functions are not its primary function. Self-insured health plans and Internal Revenue Service Section 125 plans with 50 or more participants operated or maintained by public schools entities are covered health plans for HIPAA privacy rule purposes. Similarly, any provider of services, a provider of medical or health services as defined in section 1861 of the Act, 42 U.S.C. 1395X(s)(5), and any person or organization who furnishes, bills or is paid for health care in the normal course as defined by 45 CFR Section 160.103 is also subject to HIPAA requirements as a health-care provider. BMCC is required to review its programs and services with its legal counsel in determining HIPAA applicability.

and the BMCC official to contact in the event of questions, as provided in established student education records and related administrative procedures.

**Legal References:**

ORS 332.107

Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, 42 U.S.C. 1320d-1320d-8; 45 CFR Parts 160 and 164

Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g' 34 CFR Part 99 (2000).