

The Texas Department of Aging and Disability Services Hybrid Statement

The Texas Department of Aging and Disability Services (DADS) has declared itself a hybrid entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). A hybrid entity is a covered entity whose business activities include both covered and non-covered functions; and that designates health care components in accordance with 45 Code of Federal Regulations (CFR) § 164.105(a)(2)(iii)(D). (45 CFR § 164.103.)

A covered entity is defined as (1) health plans; (2) health care clearinghouses; and (3) health care provider who transmits any health information in electronic form in connection with transactions, such as claims and billing, coordination of benefits, referral certification and authorization, health care electronic fund transfers and remittance advice. (45 CFR 160.103.)

This determination was made after DADS conducted a thorough analysis of its many and varied programs. As a hybrid entity under HIPAA, DADS must designate the “components that are part of one or more health care components of the covered entity and documenting the designation”. (45 CFR § 164.105(c)(iii)(D).)

In compliance with 45 CFR §164.105(C)(1), DADS designated the following programs as covered health care components within the hybrid entity:

**The State Supported Living Centers; and
The Access and Intake division of DADS**, with the exception of the following units:
Area Agencies on Aging (AAA) and Guardianship Services

The following divisions of DADS that access protected health information from covered programs are also designated as covered health care components. They create, receive, maintain, or transmit protected health information on behalf of a covered program.

1. **Commissioner’s Office**
2. **Internal Audit**
3. **Deputy Commissioner’s Office** – All units with the exception of Web Administration
4. **Chief Operating Officer** – All units with the exception of the following: Executive and Staff Operations (ESO) Educational Services and ESO Support Services Coordination
5. **Chief Financial Officer, Provider Claims**
6. **Regulatory Services, Licensing and Credentialing**