

**NORTH DAKOTA DEPARTMENT OF HEALTH AND HUMAN SERVICES
HIPAA HYBRID ENTITY DESIGNATION STATEMENT**

The Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191, at 45 CFR parts 160 and 164 (HIPAA Privacy, Security, Breach Notification, and Enforcement Rules), as amended by the Health Information Technology for Economic and Clinical Health Act (HITECH Act), is a federal law and regulation designed to improve the portability and continuity of health care coverage, standardize health care transactions, and implement requirements surrounding health information privacy and security.

A covered entity is defined in HIPAA as 1) health plan; 2) health care clearinghouse; and 3) health care provider, who transmits health information in electronic form using standard transactions. A legal entity that performs both HIPAA covered and non-covered functions may designate itself as a hybrid entity under HIPAA. Because the activities of the North Dakota Department of Health and Human Services (HHS) include both HIPAA covered and non-covered functions, HHS has designated itself as a hybrid entity under HIPAA effective January 10, 2025.

HHS shall regularly evaluate the operations of its numerous programs, services, and functions to ensure that its designations as a hybrid covered entity remains complete and accurate. As such, HHS has designated the covered components within the hybrid entity in, "Exhibit A, HIPAA Hybrid Entity Covered Components" [HHS' HIPAA Privacy webpage](https://hhs.nd.gov/hipaa) (hhs.nd.gov/hipaa), which includes those divisions, programs, and services that would meet the definition of a covered entity if each were a separate legal entity.

While only the HIPAA covered components and HHS policies and procedures related to compliance with the HIPAA Regulations, the non-covered components are required to comply with HHS policies and procedures and applicable state and federal laws and regulations governing confidentiality.

Executed this 1st day of February 2025.



Dirk D. Wilke
Interim Commissioner
North Dakota Department of Health and Human Services

OFFICE OF THE COMMISSIONER

GOVERNOR
Kelly Armstrong

INTERIM COMMISSIONER
Dirk D. Wilke