HIPAA Decision Flowchart: Are You Subject to HIPAA? A High-Level Overview

START

Do you access Protected Health Information (PHI)?

YES

Do you provide health care services¹?

YES

Do you provide services ONLY to students?

YES

You are NOT subject to HIPAA; other data protection restrictions may apply.

NO

Do you use PHI in research?

YES

Are you performing a clinical trial?

YES

You are subject to FERPA but NOT HIPAA.

NO

Do you provide business assistance³ to an entity that provides health care services?

YES

You likely ARE subject to HIPAA and must comply with the Privacy and Security Rules.

NO

Do you engage in electronic transactions² related to the health care services?

YES

You are NOT subject to HIPAA; other data protection restrictions may apply.

NO

Contact OGC to discuss how you use PHI.

¹Health care services include physical and mental health services.

²Electronic transactions are those specified in HIPAA and its regulations; primarily these relate to claims, benefit eligibility determinations, referrals, and insurance payments.

³Business assistance includes financial, legal, actuarial, processing, and other administrative assistance.

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