DECISION TREE 1: DETERMINING WHEN HIPAA APPLIES TO RESEARCH

This decision tree should be used to determine if research activities must comply with HIPAA regulations.

Will you use (e.g.: access or collect) patient health information for research purposes?

Yes

When obtaining the health information, will you have access to any of the 18 HIPAA identifiers? (see table below)

No

Research activity is not covered by HIPAA.

Yes

Is the health information associated with the provision of care and/or payment for care
1) with a covered component of the VCU Affiliated Covered Entity (ACE)?
   (see table at right) OR
2) by another HIPAA covered entity?

No

Research activity is covered by HIPAA regulations. See Decision Tree 2 to determine appropriate pathway to access PHI.

VCU ACE Components
- VCU Health & all satellite clinics
- College of Health Professions
- School of Dentistry
- School of Medicine
- School of Nursing
- School of Pharmacy
- VCU Employee Health
- VCU Telecommunications
- VCU Police
- VCU Audit & Compliance Services
- VCU Office of the General Counsel
- VCU Office of the VP for Research & Innovation

<table>
<thead>
<tr>
<th>HIPAA Identifiers</th>
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<tbody>
<tr>
<td>Names</td>
<td>Social Security Numbers</td>
<td>Device Identifiers</td>
<td>Biometric Identifiers</td>
</tr>
<tr>
<td>Dates</td>
<td>Email Addresses</td>
<td>License/Certificate #s</td>
<td>Photos &amp; Like Images</td>
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<tr>
<td>Postal Addresses</td>
<td>Medical Record Numbers</td>
<td>Vehicle ID numbers</td>
<td>Any other unique ID</td>
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<td>Phone Numbers</td>
<td>Health Plan Numbers</td>
<td>Web URLs</td>
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<tr>
<td>Fax Numbers</td>
<td>Account Numbers</td>
<td>IP Address Numbers</td>
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</table>

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Text Outline of Decision Tree

Top of chart begins Q: "Will you use (e.g.: access or collect) patient health information for research purposes?"

1. If "No" to using health information, then “Research activity is not covered by HIPAA.”

2. If "Yes", then Q: "When obtaining the health information, will you have access to any of the 18 HIPAA identifiers? (see table below)?"
   
   1. If "No" to having access to identifiers, then “Research activity is not covered by HIPAA.”
   
   2. If "Yes", then Q: “Is the health information associated with the provision of care and/or payment for care 1) with a covered component of the VCU Affiliated Covered Entity (ACE)? (see table at right) OR 2) by another HIPAA covered entity?”
      
      1. If "No" to health information associated with VCU ACE or another HIPAA covered entity, then “Research activity is not covered by HIPAA.”
      
      2. If “Yes”, then “Research activity is covered by HIPAA regulations. See Decision Tree 2 to determine appropriate pathway to access PHI.”

Table of VCU ACE Components

• VCU Health & all satellite clinics
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