



**SUNY HIPAA Non-Covered Functions at UB
UB RESEARCH FUNCTION DECLARATION
Revised August 14, 2003**

The University at Buffalo (UB), as a component of The State University of New York (SUNY) hybrid entity under HIPAA, must designate SUNY's HIPAA covered functions per 45 CFR 164.508(c)(3)(iii). These designations are made in a separate document.

This document is intended to define the UB Research Function and its relationship to the SUNY HIPAA covered function.

Definition: For the purposes of this declaration research, as defined in 45 CFR 164.501, means “a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge.” The UB Research Function consists of all research activities conducted by UB employees in fulfillment of their professional obligation to UB where those obligations consist of either the conduct research or of engaging in research support activities.

Declaration: The UB Research Function is explicitly declared as a non-covered function under HIPAA. The following notes clarify this position with respect to the SUNY HIPAA covered functions.

1. Research protocols and related activities may be comprised of both a SUNY HIPAA covered function and a UB Research Function. In such instances, Protected Health Information will pass from the SUNY covered function to the UB Research Function by way of one of the mechanisms provided in HIPAA¹ and will be subject to protections under HIPAA to the extent provided by those mechanisms.
2. The act of moving protected health information from a SUNY covered function to the UB Research Function will be classified as a “disclosure” per 45 CFR §164.501.

¹ Authorization (45 CFR § 164.508), Alteration or Waiver of Authorization (45 CFR § 164.512(i)(1)(i)), Reviews Preparatory to Research (45 CFR § 164.512(i)(1)(ii)), Research on Decedents (45 CFR § 164.512(i)(1)(iii)), De-identification (45 CFR § 164.514(a)), Limited Data Set and Data Use Agreement (45 CFR § 164.514(e)), Transition provisions (45 CFR § 164.532(c)).
