

MEMORANDUM
PLACER COUNTY HEALTH AND HUMAN SERVICES
Community Health and Clinics Division

TO: Honorable Board of Supervisors

FROM: Richard J. Burton, M.D., M.P.H.
Placer County Health Officer and Director of Health & Human Services
Mark Starr, D.V.M., M.P.V.M., Director of Community Health and Clinics

DATE: June 9, 2009

SUBJECT: Establishing County as a HIPAA Hybrid Entity and appointing a Privacy Officer and Security Officer

ACTION REQUESTED:

Request the Board to take the following actions:

- a. Adopt a Resolution declaring the County of Placer to be a Hybrid Entity for purposes of compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and
- b. Adopt a Resolution authorizing the Director of Health and Human Services to appoint a HIPAA Privacy Officer and Security Officer.

There is no fiscal impact to the County General Fund as a result of these actions.

BACKGROUND:

The United States 104th Congress passed Public Law 104-191 also known as the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Secretary of the U.S. Department of Health and Human Services issued HIPAA rules and standards related to administrative simplification, privacy, and security of individually identifiable health information. As required, Placer County and HHS prepared and adopted the necessary policies and procedures to implement this law.

As described in HIPAA, staff recommends that in order to streamline HIPAA application to County Departments, the Board declare Placer County a hybrid entity as defined by HIPAA. This designation will save the County valuable staff time in training activities and reduce the exposure of the County to extensive Federal HIPAA audits. By establishing a hybrid entity, the County can limit training and accountability only to those departments and divisions that are actually dealing with medical records as defined under the Act.

The second resolution satisfies the Federal requirement that the Board of Supervisors appoint a privacy officer and security officer who are tasked with managing Placer County HIPAA issues. The privacy officer is responsible to ensure that patient health information is maintained in a confidential manner and is transmitted in a secure manner. In addition, this officer must ensure the staff is properly oriented to HIPAA rules. The security officer is responsible for both electronic and physical security of information.

FISCAL IMPACT:

No County General Funds are included in this request.

**Before the Board of Supervisors
County of Placer, State of California**

In the matter of:

Resolution No: _____

**Resolution declaring the County of Placer to be a
Hybrid Entity for Purposes of Compliance with the
Health Insurance Portability and Accountability Act of
1996**

Ord. No.: _____

First Reading: _____

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____ by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

Attest: _____
Clerk of said Board

WHEREAS, the United States 104th Congress passed and President William Jefferson Clinton signed Public Law 104-191 also known as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and

WHEREAS, the Secretary of the U.S. Department of Health and Human Services has issued final HIPAA rules and standards related to administrative simplification, privacy, and security of individually identifiable health information, and

WHEREAS, the County of Placer as a local government legal entity operates various health care components and functions subject to HIPAA regulations; as well as numerous local government components, functions, and activities not subject to HIPAA regulations, and

WHEREAS, HIPAA permits covered entities such as the County of Placer that provide both covered as well as non-covered component functions and activities within their organization the option of declaring themselves to be a hybrid entity for purposes of compliance with the HIPAA law (45CFR Part 164.105), and

WHEREAS, HIPAA allows a hybrid covered entity to designate those health care components it operates that are required to comply with the HIPAA law,

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, the Board of Supervisors of the County of Placer hereby declares the County of Placer to be a hybrid entity for purposes of compliance with the Health Insurance Portability and Accountability Act of 1996. In accordance with this declaration, the Director of Health and Human Services, in conjunction with the HIPAA Privacy and Security Officers, is directed to identify programs that are subject to HIPAA regulations and to annually update this list.

**Before the Board of Supervisors
County of Placer, State of California**

In the matter of:

Resolution No: _____

Resolution authorizing the Director of Health and Human Services to appoint a HIPAA Privacy Officer and Security Officer

Ord. No.: _____

First Reading: _____

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____ by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

Attest: _____
Clerk of said Board

WHEREAS, the United States 104th Congress passed and President William Jefferson Clinton signed Public Law 104-191 also known as the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and

WHEREAS, the Secretary of the U.S. Department of Health and Human Services has issued final HIPAA rules and standards related to administrative simplification, privacy, and security of individually identifiable health information, and

WHEREAS, the County of Placer, as a local government legal entity, has adopted policies and procedures related to HIPAA, and

WHEREAS, it is necessary to appoint a Privacy Officer and Security Officer,

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, the Board of Supervisors of the County of Placer hereby authorizes the Director of Health and Human Services to designate HIPAA Privacy and Security Officers.

