



COUNTY OF EL DORADO, CALIFORNIA BOARD OF SUPERVISORS POLICY

Subject: PRIVACY: GENERAL	Policy Number	Page Number: Page 1 of 8
	Date Adopted:	Revised Date:

BACKGROUND:

The Health Insurance Portability and Accountability Act (“HIPAA”) of 1996 was established to create a national standard for the privacy of individually identifiable health information. The rule is promulgated under 45 CFR Parts 160-164 and applies to health plans, health care clearinghouses, and health care providers who transmit electronic transactions.

The rule requires covered entities to implement privacy policies and procedures to protect and safeguard individually identifiable health information from inappropriate access, use, or disclosure. El Dorado County is defined as a covered entity under 45 CFR, and therefore, is required to maintain documentation of its Privacy Policies and Procedures to comply with these regulations.

While HIPAA created a national standard or floor of protection for the privacy of protected health information (“PHI”), Congress recognized many states had strong confidentiality laws in place. Thus, with respect to these established regulations, the standards and requirements of HIPAA will not supercede any contrary State law that imposes more stringent privacy protections.

POLICY:

This policy applies to all workforce members who may have access to protected health information as a result of services provided by El Dorado County. It outlines the guidelines and expectations for the necessary collection, use, and disclosure of protected health information while maintaining reasonable safeguards to protect the privacy of an individual’s confidential information.

The privacy polices are divided into the following policy sections:

1. General
2. Client Rights
3. Use and Disclosure of Protected Health Information



COUNTY OF EL DORADO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject: PRIVACY: GENERAL	Policy Number	Page Number: Page 2 of 8
	Date Adopted:	Revised Date:

4. Minimum Necessary
5. Administrative, Technical, and Physical Safeguards
6. Research Use and Disclosure
7. De-identified Protected Health Information, Limited Data Sets, and Data Use Agreements
8. Business Associates
9. Sanctions, Penalties, and Whistleblowers
10. Group Health Plans

Definition:

For the purposes of these policies, the terms “confidential information” or “protected health information” are the same. These terms mean individually identifiable health information that is a subset of health information, including demographic information collected from an individual, and:

- a. Is created or received by a health care provider, health plan, employer, or healthcare clearinghouse, and relates to the:
 - i. Past, present, or future physical or mental health condition of an individual,
 - ii. Provision of health care to an individual, or the
 - iii. Past, present, or future payment for the provision of health care to an individual.
- b. Either:
 - i. Identifies the individual, or
 - ii. Creates a reasonable basis to believe the information can be used to identify an individual.
- c. Is transmitted or maintained in any form or media



COUNTY OF EL DORADO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject: PRIVACY: GENERAL	Policy Number	Page Number: Page 3 of 8
	Date Adopted:	Revised Date:

PHI Does Not Include:

- Health information maintained in employment records needed to fulfill El Dorado County's role and obligation as an employer
- Education records under the Family Educational Rights and Privacy Act

1. Safeguard Individual Confidential Information

- a. As a covered entity, El Dorado County may collect, create, maintain, transmit, use, and/or disclose confidential information regarding individuals to the extent needed to administer its programs, services, and activities.
- b. El Dorado County will safeguard all confidential information regarding individuals, inform individuals of the County's privacy practices, and respect individual privacy rights in accordance with El Dorado County's privacy policies and procedures.
- c. This policy identifies four (4) types of individuals for whom the County is most likely to obtain, collect, or maintain confidential information:
 - i. El Dorado County's clients;
 - ii. Providers who provide services to El Dorado County's clients;
 - iii. El Dorado County inmates;
 - iv. El Dorado County's employees enrolled in health benefit plans.
- d. El Dorado County shall provide HIPAA training to all workforce members who may have access to protected health information as necessary and appropriate to carry out their functions within the covered entity. El Dorado County shall require every employee with access to protected health



COUNTY OF EL DORADO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject: PRIVACY: GENERAL	Policy Number	Page Number: Page 4 of 8
	Date Adopted:	Revised Date:

information (“PHI”) to sign a “Privacy & Security Acknowledgement” that outlines the employee’s responsibility to protect the privacy of confidential information.

2. Safeguard Client’s Confidential Information

A “Client” is an individual who requests or receives services from El Dorado County.

- a. El Dorado County, its employees, and business associates will respect and protect the privacy of records and confidential information about clients who request or receive services from El Dorado County. This includes, but is not limited to:
 - i. Applicants or recipients of public assistance;
 - ii. Minors and adults receiving alcohol and drug, mental health, primary health, and public health services from El Dorado County;
 - iii. Persons who apply for or are admitted to a county operated or county funded mental health center.
- b. All confidential information regarding El Dorado County’s clients must be safeguarded in accordance with the County’s privacy policies and procedures.
- c. El Dorado County shall not use or disclose confidential information unless:
 - i. The client has signed a written release of information authorizing the use or disclosure of information; or
 - ii. The use or disclosure is permitted or required by law.



**COUNTY OF EL DORADO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject: PRIVACY: GENERAL	Policy Number	Page Number: Page 5 of 8
	Date Adopted:	Revised Date:

3. Safeguard Health Plan Enrollee’s Confidential Information

- a. A health plan enrollee (“Enrollee”) is a person enrolled in one or more of the group health plans sponsored by El Dorado County which results in the possession of or access to PHI.
- b. When El Dorado County obtains confidential information about Enrollees, El Dorado County may use and disclose such confidential information consistent with federal and state laws or regulations.

4. Conflict with Other Privacy Laws

- a. El Dorado County has adopted reasonable policies and procedures for the administration of its programs, services, and activities. If any state or federal law or regulation or order of a court having appropriate jurisdiction, imposes a more stringent requirement upon El Dorado County regarding the privacy of confidential information, El Dorado County shall act in accordance with the stricter standard.
- b. In the event more than one policy applies, and compliance with all such policies cannot be reasonably achieved, El Dorado County employees will seek guidance from an immediate supervisor. El Dorado County staff should consult with the Privacy Officer in appropriate circumstances.

5. El Dorado County’s Notice of Privacy Practices

- a. El Dorado County will make available a copy of “El Dorado County Notice of Privacy Practices,” to any client applying for or receiving covered services from El Dorado County or enrolled in a County health plan.
- b. El Dorado County’s Notice of Privacy Practices shall contain the required information mandated by federal regulations regarding the notice of privacy practices.



COUNTY OF EL DORADO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject: PRIVACY: GENERAL	Policy Number	Page Number: Page 6 of 8
	Date Adopted:	Revised Date:

c. When El Dorado County is a direct treatment provider, the County will seek to obtain a signed, "Acknowledgment of Receipt of Notice of Privacy Practices" from each client.

6. Client Rights

El Dorado County's policies and procedures, as well as other federal and state laws and regulations, provide individuals with the right to access their own confidential information with some exceptions. This policy describes specific actions a client can take to request restrictions or amendments to their confidential information and the method for filing complaints. These specific actions are outlined in El Dorado County's "Client Rights Policy."

7. Use and Disclosure of Protected Health Information

El Dorado County shall not use or disclose confidential information about a client without a signed release of authorization from the individual, or the individual's personal representative, unless authorized by this policy or as otherwise permitted or required by state or federal law as outlined in El Dorado County's "Use or Disclosure of Protected Health Information Policy."

8. Minimum Necessary

El Dorado County will use or disclose only the minimum necessary amount of information to provide services and benefits to clients and only to the extent provided in El Dorado County's policies and procedures.

a. The minimum necessary policy does not apply to:

- i. Disclosures to or requests by a health care provider for treatment;
- ii. Uses or disclosures made to the individual;
- iii. Uses or disclosures authorized by the individual;



**COUNTY OF EL DORADO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject: PRIVACY: GENERAL	Policy Number	Page Number: Page 7 of 8
	Date Adopted:	Revised Date:

iv. Disclosures made to the Secretary of the United States Department of Health and Human Services in accordance with federal HIPAA regulations 45 CFR 160, Subpart C;

v. Use or disclosures required by law;

vi. Use or disclosures required for compliance with HIPAA regulations 45 CFR, Parts 160 - 164.

b. When using or disclosing an individual's information, or when requesting an individual's information from a provider or health plan, El Dorado County employees must make reasonable efforts to limit the amount of information to the minimum necessary to accomplish the intended purpose of the use or disclosure as outlined in El Dorado County's "Minimum Necessary Policy."

9. Administrative, Technical, and Physical Safeguards

Employees of El Dorado County must take reasonable steps to safeguard confidential information from any intentional or unintentional use or disclosure, as outlined in El Dorado County's "Administrative, Technical, and Physical Safeguards Policy."

10. Research Use and Disclosures

El Dorado County may use or disclose an individual's confidential information for research purposes as outlined in El Dorado County's "Research Use and Disclosure Policy." This policy specifies requirements for using or disclosing confidential information with and without an individual's authorization and identifies allowable uses and disclosure when the County is acting as a Public Health Authority.

11. De-Identification Information and the Use of Limited Data Sets

Employees of El Dorado County will follow standards under which confidential information can be used and disclosed if the information which identifies a person has been removed or restricted to a limited data set. Unless otherwise restricted or prohibited by other federal or state law, El Dorado County can use and share confidential information as appropriate for the work of El Dorado



**COUNTY OF EL DORADO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject: PRIVACY: GENERAL	Policy Number	Page Number: Page 8 of 8
	Date Adopted:	Revised Date:

County, without further restriction, if El Dorado County or another entity has taken steps to de-identify the confidential information as outlined in El Dorado County's "De-Identified Protected Health Information, Limited Data Sets, Data Use Agreements Policy."

12. Business Associates

El Dorado County may disclose protected health information to business associates with whom there is a written contract or memorandum of understanding ("MOU") as outlined in El Dorado County's "Business Associates Policy."

13. Sanctions, Penalties, and Whistleblowers

All employees, contract employees, volunteers, interns, and members of the El Dorado County workforce must guard against improper use or disclosure of confidential information as outlined in El Dorado County's "Sanctions, Penalties, and Whistleblowers Policy."

13. Group Health Plans

El Dorado County will follow the requirements for the use and disclosure of protected health information for plan sponsors and health plans as outlined in El Dorado County's "Group Health Plans Policy."

Primary Department: Privacy Compliance Office

References: 45 CFR § 160 – 164

Attachments: Exhibit 'A' HIPAA Glossary