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# County of El Dorado

## Legislation Details (With Text)

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| **File #:** | 21-1400 **Version:** 1 | | |
| **Type:** | Agenda Item | **Status:** | Approved |
| **File created:** | 8/18/2021 | **In control:** | Board of Supervisors |
| **On agenda:** | 8/31/2021 | **Final action:** | 8/31/2021 |
| **Title:** | Director of Human Resources recommending the Board approve the Board of Supervisors Policy L-1, Protected Health Information (HIPAA): General, sunset date extension to June 30, 2022.<br><br>FUNDING: N/A | | |
| **Sponsors:** | | | |
| **Indexes:** | | | |
| **Code sections:** | | | |
| **Attachments:** | 1. A - L - 1 HIPAA Red Line, 2. B - L - 1 HIPAA Clean Version | | |

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 8/31/2021 | 1 | Board of Supervisors | Approved | Pass |

Director of Human Resources recommending the Board approve the Board of Supervisors Policy L-1, Protected Health Information (HIPAA): General, sunset date extension to June 30, 2022.

**FUNDING:** N/A

**DISCUSSION / BACKGROUND**

The Health Insurance Portability and Accountability Act (“HIPAA”) was enacted in 1996 to create a national standard to protect and enhance the rights of individuals by providing access to their health information and to control and limit the use and disclosure of protected health information (“PHI”). As a covered entity, El Dorado County is required to maintain written documentation of individual rights with respect to PHI. Updates to the policy are required to ensure compliance with current HIPAA requirements.

El Dorado County is designated as a covered hybrid entity, defined by HIPAA as an organization that uses or discloses protected health information for only a part of its business operations, and is required to comply with 45 CFR § 160-164. Privacy regulations, under 45 CFR §164.105, require hybrid entities to implement formal written policies and procedures to ensure compliance with the Rule.

On January 23, 2007, the Board approved and adopted the El Dorado County Privacy Policies in compliance with HIPAA. On August 29, 2017, the Board approved and adopted the revised El Dorado County Privacy Policy (Policy L-1) with a sunset date of August 29, 2021.

The issue before the Board is the extension of the August 29, 2021 sunset date for Policy L-1. Human Resources/Risk management has contracted with an outside attorney to update the current policy and bring the County into compliance with current laws. It is requested the current policy be extended until June 30, 2022. Additionally, it is anticipated that the policy will be revised and updated prior to the requested extension date, at which time staff will return to the Board with the proposed

updates.

**ALTERNATIVES**
The Board may choose not to approve the sunset date extension; however, the County would not have an active HIPAA policy.

**PRIOR BOARD ACTION**
On August 29, 2017, the Board adopted Policy L-1: Protected Health Information (HIPAA): General (Legistar #17-0866).

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**
N/A

**CAO RECOMMENDATION**
Approve as recommended.

**FINANCIAL IMPACT**
There is no direct financial impact to adopting the extended sunset date.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**
The Clerk of the Board will update the online Board Policy Manual with the newly revised policy.

**STRATEGIC PLAN COMPONENT**
Good Governance

**CONTACT**
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