



Legislation Text

File #: 07-005, **Version:** 2

Public Health Department recommending adoption of the El Dorado County Privacy Policy in compliance with the Health Insurance Portability and Accountability Act (HIPAA).

RECOMMENDED ACTION: Approve.

Fiscal Impact/Change to Net County Cost: There is no fiscal impact or net County cost.

Background: A HIPAA Policies/Procedures Workgroup was established to satisfy the requirement that a hybrid entity, defined by HIPAA as an organization that uses or discloses protected health information for only a part of its business operations, implement formal written policies and procedures to ensure compliance with the Rule. The workgroup included the County's Privacy/Compliance Officer and members from the County's health care components, which includes the following departments: CAO, County Counsel, Auditor-Controller, Treasurer/Tax Collector Revenue Recovery, Information Technologies, Public Health, Mental Health, Human Services, and Risk Management. Staff submitted to County Counsel a final draft of these Privacy Policies. County Counsel has approved the final draft.

Reason for Recommendation: El Dorado County is designated as a covered hybrid entity 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. These policies are summarized below:

PRIVACY: GENERAL - This policy meets the Health Insurance Portability and Accountability (HIPAA) requirement that covered entities implement written privacy policies. The policy provides definitions and lists the ten (10) privacy policies for reference.

PRIVACY: CLIENT RIGHTS - The policy defines the rights of clients with respect to their individual health information and how individuals may exercise those rights.

PRIVACY: USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION - The policy defines when protected health information can be used or disclosed without a signed client authorization. If the use or disclosure is not required or permitted, a signed client authorization is necessary.

PRIVACY: MINIMUM NECESSARY - The policy states that when using or disclosing protected health information, limiting the information to the minimum necessary is required. However, there are exceptions to minimum necessary which are listed.

PRIVACY: ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS- The policy describes how El Dorado County will protect information with administrative policies, technical procedures, and

physical safeguards as required by HIPAA.

PRIVACY: RESEARCH USE AND DISCLOSURE - The policy describes how protected health information can be used or disclosed for research purposes.

PRIVACY: DE-IDENTIFIED PROTECTED HEALTH INFORMATION, LIMITED DATA SETS, DATA USE AGREEMENTS - The policy provides standards on how individual protected health information can be used and/or disclosed if certain identifiers are removed. The policy states when a limited data set can be used and the required restrictions and agreements.

PRIVACY: BUSINESS ASSOCIATES - The policy describes when a business associate agreement or a Memorandum of Understanding is required to use or disclose protected health information.

PRIVACY: SANCTIONS, PENALITIES, AND WHISTLEBLOWERS - The policy defines the responsibilities of workforce members with respect to protected health information, penalties for violating privacy policies and procedures, and whistleblower protections.

PRIVACY: GROUP HEALTH PLANS - The policy defines HIPAA mandates for health plans and how health information can be used or disclosed for health plan purposes.

Action to be taken following Board approval: Privacy Policies to be publicized in the Board of Supervisors Policy Manual; Privacy Compliance Officer to distribute Privacy Policies as appropriate.

Contact: Dan Buffalo/Andreja Saich

Concurrences: County Counsel