



County of El Dorado

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Legislation Text

File #: 08-1538, **Version:** 1

Human Services Department recommending Chairman be authorized to sign nonfinancial Memorandum of Understanding 281-M910 with the California Department of Health Care Services delineating responsibilities and requirements relative to State and local compliance with the Privacy Act of 1974 as amended to ensure the privacy and security of Medi-Cal Personally Identifiable Information.

RECOMMENDED ACTION: Approve.

FUNDING: 100% Federal/State California Department of Health Care Services Allocation.

BUDGET SUMMARY:		
Total Estimated Cost		\$0.00
Funding		
Budgeted	\$0.00	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$0.00	
Change To Net County Cost		\$0.00

Fiscal Impact/Change to Net County Cost: No Change. Costs associated with this MOU will be 100% funded by the California Department of Health Care Services (CDHCS). The Department will submit a budget revision to increase revenues and corresponding appropriations once notice of the actual allocation for this project is received from CDHCS.

Background: To access data from the Federal Social Security Administration (SSA), the California Department of Health Care Services (CDHCS) is required to enter into a data sharing agreement with SSA. CDHCS operates the Medi-Cal Eligibility Determination System (MEDS), which enables California counties to access the data covered under the CDHCS-SSA agreement to track, confirm and/or determine eligibility for public assistance programs. The data sharing agreement between SSA and CDHCS requires that CDHCS diligently safeguard Social Security data that is accessed by multiple users (agents and contractors of CDHCS) throughout the State. Due to recent directives from the Federal Office of Management and Budget, SSA introduced substantial changes in their data sharing agreement with CDHCS necessary to bring the State into compliance with the Privacy Act of 1974, 5 U.S.C. § 552A, as amended by the Computer Matching and Privacy Protection Act of 1988, as amended, and the regulations and guidance promulgated thereunder. These changes include limiting access to SSA data to County Income Maintenance staff who determine eligibility for public assistance programs and additional provisions and enhanced security procedures related to

protecting the privacy of data containing Personally Identifiable Information.

Reason for Recommendation: As agents of the State in the administration of the Medi-Cal program, counties must conform to SSA's security and disclosure standards as outlined in the data sharing agreement that has been executed between Social Security and the California Department of Health Care Services. As a result, CDHCS is entering into individual agreements with all California counties in order to pass on the requirements of the SSA agreement. CDHCS has been in negotiation with the California Welfare Directors Association for the past year in order to develop the final agreement, which is attached. CDHCS will be allocating funds to the Department of Human Services to cover the costs of implementing the measures necessary to achieve compliance with its directives from the SSA. The Department will initiate a budget revision once CDHCS allocates funds for this project. MOU #281-M910 shall become effective when fully executed by both parties and shall remain in effect until terminated.

Approval of the requested action will assure the California Department of Health Care Services that the County's Department of Human Services will have SSA required security and privacy measures in place to protect Personally Identifiable Information accessed by the County. County Counsel and Risk Management have approved MOU #281-M0910. Copies of the Blue Route and Agreement are attached and on file with the Board Clerk.

Action to be taken following Board approval:

- 1) Chairman to sign two (2) original Agreements.
- 2) Board Clerk's Office to return one (1) original Agreement to Department
- 3) Department to distribute as appropriate.

Contact: Doug Nowka 530/621-6163

Concurrences: County Counsel and Risk Management.