

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

928



FROM: Executive Office

SUBMITTAL DATE:
April 13, 2005

SUBJECT: Revising Board Policy B-23 Regarding Health Privacy & Security

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve revising Board Policy B-23 on protecting the privacy and security of personal health information to appoint the County Information Security Officer as the County HIPAA Security Officer, as shown in Attachment A; and,
2. Approve revising both the English and Spanish language versions of the notice of privacy practices shown in Attachments A.1a and A.1b, and the corresponding acknowledgements of receipt shown in Attachments A.2a and A.2b;
3. Approve revising the business associate agreement template, as shown in Attachment A.3, and authorize the Executive Officer to make minor revisions as necessary and as approved by Counsel; and,
4. Authorize the County Purchasing Agent to execute on behalf of the Board such business associate agreements with vendors as necessary and required by law.

Departmental Concurrence

BACKGROUND: Pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the U.S. Department of Health and Human Service issued federal regulations to protect the privacy and security of individually identifiable health information. Effective April 2005, additional HIPAA regulations require covered entities, such as the County, to implement measures pertaining to security of electronic health information. These measures include establishing a HIPAA Security Officer, updating the County's policy on health privacy policy, and updating the County's standard business associate agreement template. The Countywide HIPAA Task Force, representing all major departments directly subject to these regulations, formulated, reviewed and concurred with these policy revisions.

Denise C. Harden
Denise C. Harden
Principal Management Analyst

FORM APPROVED
COUNTY COUNSEL

APR 13 2005

BY	FINANCIAL DATA	Current F.Y. Total Cost:	\$	In Current Year Budget:
		Current F.Y. Net County Cost:	\$	Budget Adjustment:
		Annual Net County Cost:	\$	For Fiscal Year:

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE.

County Executive Office Signature *William Lee*

Policy
 Policy
 Consent
 Consent
 Dep't Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref.: 3/18/2003 No. 3.26 | **District:** | **Agenda Number:**

**ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD**

3.4

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Attachment A

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Policy:

The County creates records of health care to provide quality care and comply with legal requirements. The County understands health information is personal and private, and commits to safeguarding it to the extent reasonably possible. The County shall operate in a manner consistent with federal regulations for safeguarding protected health information. County departments shall safeguard the confidentiality and integrity of the electronic and non-electronic protected health information they handle, store, process and/or transmit. The law requires the County, as a single covered entity, to:

- Keep individually identifiable health information private;
- Provide notice of legal duties and privacy practices with respect to health information; and,
- Follow the terms of the notice currently in effect.

This policy outlines the limits within which the County will handle individuals' health information. In accordance with federal law, the County will provide a copy of the notice in Attachment 1 outlining this policy to each individual receiving health care and related services from the County, and to participants in certain health plans administered or operated by the County. Where applicable, the County will make the best effort to obtain completed acknowledgements of receipt of this notice from each client, substantially in the form in Attachment 2 of this policy. This notice and acknowledgement may be amended as needed with the approval of County Counsel and the Executive Officer, and amended copies provided upon request.

A. Use and Disclosure – General

Generally, except as otherwise specified below, the County may use and disclose health information, as allowed under state and federal law:

1. For treatment;
2. For payment;
3. For health care operations; and
4. For health plan administration.

B. Use and Disclosure Requiring Authorization

On a limited basis, the County may use and disclose health information as follows only with a valid authorization, as allowed under state and federal law:

1. From mental health records; and,
2. From or pertaining to some substance abuse treatment programs.

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C. Use and Disclosure Requiring an Opportunity to Agree or Object

In certain cases, the County may use and disclose health information as follows only if it informs individuals in advance and provides them the opportunity to agree or object, as allowed under state and federal law:

1. For facility directories;
2. To individuals involved in the individual's care; and,
3. To assist in disaster relief efforts.

D. Use and Disclosure NOT Requiring Authorization or an Opportunity to Agree or Object

In specific cases, the County may be required to use and disclose health information as follows without authorization and without providing the opportunity to agree or object:

1. As required by law;
2. For public health activities;
3. To report victims of abuse, neglect or domestic violence;
4. For health oversight activities;
5. To the minimum extent necessary to comply with judicial and administrative proceedings when compelled by an order of a court or administrative tribunal, or in response to a subpoena, discovery request or other lawful process as allowed by law;
6. For law enforcement purposes;
7. To coroners, medical examiners and funeral directors;
8. On a deceased person for organ, eye or tissue donation and transplantation;
9. For research purposes in compliance with required conditions approved by an Institutional Review Board;
10. To avert serious threats to health and safety;
11. On Armed Forces and foreign military personnel for activities deemed necessary by appropriate military command authorities to assure proper execution of a military mission;
12. To determine eligibility for or entitlement to veterans benefits;
13. To authorized federal officials for the conduct of lawful intelligence, counter-intelligence, and other national security activities;
14. To correctional institutions and other law enforcement custodial situations;

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15. To determine eligibility for or enrollment in a government health plan program, or to coordinate and improve administration of benefits for such government plans; and,
16. To the minimum extent necessary to comply with workers' compensation laws or similar programs providing benefits for work-related injuries or illnesses.

The County will not disclose individuals' health information to outside parties for marketing, fundraising, or any other reasons not listed above without prior written authorization.

E. Rights and Responsibilities

With regard to health information, the County recognizes and commits to safeguard each individual's:

1. Right to request restrictions on certain uses and disclosures;
2. Right to confidential communications;
3. Right to request to inspect and copy records;
4. Right to amend health records;
5. Right to an accounting of certain disclosures;
6. Right to obtain a paper copy of the required notice of privacy practices upon request; and,
7. Right to file complaints without fear of retaliation.

F. HIPAA Officers

The federal regulations pertaining to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) specifically require covered entities, such as the County, to establish HIPAA Privacy and Compliance Officers and HIPAA Security Officers. HIPAA specifies certain roles and responsibilities for each of these separate offices.

1. HIPAA Privacy and Compliance Office

The County designates the Human Resources Department as the official HIPAA Privacy and Compliance Office of the County. Individuals may choose to direct inquiries and complaints regarding health privacy issues to designees within departments, to the County Privacy and Compliance Office, or to the Secretary of the Department of Health and Human Services. Under no circumstances will the County allow or enable retaliation or reprisal against individuals who file such complaints.

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2. HIPAA Security Officer

The County designates the Chief Information Security Officer as the official HIPAA Security Officer of the County. The HIPAA Security Officer shall coordinate and oversee generally all HIPAA security requirements for the County as specified and required under HIPAA.

G. Organized Health Care Arrangement

The County engages and partners with doctors, nurses, and other providers of health care services who participate with the County to provide health care. The County may share or disclose protected health care information to such parties for the purposes outlined above. In such instances, the County requires those entities to agree to abide by all applicable laws and regulations, this policy, and the terms of the County's privacy notice in Attachment 1 of this policy.

H. Business Associates

The County engages and partners with a variety of vendors who perform functions on behalf of the County. The County may share or disclose protected health care information to such parties for the purposes outlined above. In such instances, the County requires those entities to agree to abide by all applicable laws and regulations, this policy, and the terms of the County's business associate agreement substantially as shown in Attachment 3 of this policy. The terms of this agreement may be amended from time to time with the approval of County Counsel and the Executive Officer. This policy authorizes the County Purchasing Agent to execute all Business Associate Agreements pertaining to this policy on behalf of the Board of Supervisors.

I. Effective Date

This policy shall take effect on April 14, 2003.

- Attachment 1.a – Notice of Privacy Practices – English
- Attachment 1.b – Notice of Privacy Practices – Spanish
- Attachment 2.a – Acknowledgement of Receipt of Notice of Privacy Practices – English
- Attachment 2.b – Acknowledgement of Receipt of Notice of Privacy Practices – Spanish
- Attachment 3 – Business Associate Agreement Template