

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

756



SUBMITTAL DATE:
4/16/2015

FROM: Executive Office

SUBJECT: Approval of amendment to Policy B-23

RECOMMENDED MOTION: That the Board of Supervisors:

1. approve the revisions to the attached Board Policy B-23.

BACKGROUND:

Summary

Policy B-23 places responsibility for compliance under the Health Information Portability and Accountability Act (HIPAA) with the Information Security office which is part of Riverside County Information Technology (RCIT). With the consolidation of health care components in the County under the umbrella of the Assistant CEO/Health Systems, and considering that HIPAA is primarily a healthcare privacy issue, it is recommended that responsibility be transferred to the Assistant CEO/Health Systems. This change will assist the County Health System to operate in a consistent manner with Federal and State regulations.

Debra Cournoyer
Deputy County Executive Officer

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST: 0	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: N/A	Budget Adjustment: 0
	For Fiscal Year: 14/15

C.E.O. RECOMMENDATION: APPROVE
BY:
George A. Johnson

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.:

District: ALL

Agenda Number:

3-4

FORM APPROVED COUNTY COUNSEL
 BY:
 GREGORY P. PRIAMOS
 DATE: 4/21/15
 Departmental Concurrence
 Zareh H. Sefarian,
 Hospital CEO

RCIT:
 Christopher M. Hans, CIO

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
HEALTH PRIVACY AND SECURITY POLICY

Policy
Number Page
B-23 **1 of 5**

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;
- Follow the terms of the notice currently in effect; and,
- With respect to any breach of unsecured protected health information, notify affected individuals, the Secretary of the United States Department of Health and Human Services, and prominent media outlets, if applicable

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, except for genetic information which by law the County health plan may not use or disclose for underwriting purposes.

B. Use and Disclosure Generally 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 psychotherapy notes;
2. From or pertaining to some substance abuse treatment programs;

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
HEALTH PRIVACY AND SECURITY POLICY

Policy	
Number	Page
B-23	2 of 5

3. For marketing; and,
4. For disclosure that constitutes sale of health information.

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 health care or payment for health 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 without the individual's 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. Regarding 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-

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
HEALTH PRIVACY AND SECURITY POLICY

Policy
Number Page
B-23 3 of 5

intelligence, and other national security activities;

14. To authorized federal officials to provide protection to the President, other authorized persons, or foreign heads of state, or investigate threats against the President or other authorized persons.
15. To correctional institutions and other law enforcement custodial situations;
16. 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,
17. 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 fundraising, or any other reasons not covered by this policy 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, including respecting an individual's right to restrict disclosure to a health plan health information pertaining to a health care item or service paid in full by the individual, or a person other than the health plan on behalf of the individual;
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.

The County authorizes the Assistant County Executive Officer of Health Systems to develop and maintain the Riverside County Health Systems Privacy and Security Program and

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
HEALTH PRIVACY AND SECURITY POLICY

Policy	
Number	Page
B-23	4 of 5

requires all applicable departments with Health Care components to comply. The Assistant County Executive Officer of Health Systems designates the Riverside Health Systems Chief Compliance Officer (CCO) as the HIPAA Privacy Official and HIPAA Security Official of the County to develop and implement HIPAA policies and procedures for the applicable Riverside County Health Care Departments in consultation with County Counsel. Individuals may choose to direct inquiries and complaints regarding health privacy issues to designees within departments or to the County HIPAA Privacy Official. Under no circumstances will the County allow or enable retaliation or reprisal against individuals who file such complaints.

~~The County designates the Chief (CCO) as the HIPAA Privacy Official and HIPAA Security Official of the County to develop and implement HIPAA policies and procedures for the County in consultation with the County Executive Office and County Counsel. Individuals may choose to direct inquiries and complaints regarding health privacy issues to designees within departments, to the County HIPAA Privacy Official, 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.~~

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 on behalf of the Board of Supervisors business associate agreements conforming with Attachment 3 of this policy as necessary to bring existing underlying agreements into compliance with this policy.

I. Effective Date

This policy shall take effect on April 14, 2003.

Reference:

Minute Order 3.26 of 03/18/03

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
HEALTH PRIVACY AND SECURITY POLICY

Policy	
Number	Page
B-23	5 of 5

Minute Order 3.4 of 05/03/05

Minute Order 3.4 of 04/10/07

Minute Order 3.4 of 12/14/10

Minute Order

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