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

**FROM: Riverside University Health System (RUHS)
County Counsel**

**SUBMITTAL DATE:
June 9, 2016**

SUBJECT: Designation of Riverside County as a Hybrid Entity Under the Health Insurance Portability and Accountability Act (HIPAA)[All Districts][Total Cost \$ 0]

RECOMMENDED MOTIONS: That the Board of Supervisors:

1. Declare that the County of Riverside is a "Hybrid Entity" under HIPAA comprised of the following departments:
 - o Riverside University Health System (RUHS) which includes: the Medical Center, the Department of Behavioral Health (aka Mental Health); the Health Care Clinics; Detention Health; and the Department of Public Health.
 - o Riverside County Fire Department
 - o Human Resources - Exclusive Care Health Plan
 - o Departments providing "Business Associate" services

2. Direct the County Privacy Officer to work with County Counsel to develop policies, procedures and documents to support this designation consistent with the requirements under HIPAA and return to the Board within 120 days for approval.

Zareh Sarrafian
Assistant CEO/Health System

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

SOURCE OF FUNDS: _____ **Budget Adjustment:** _____
 _____ **For Fiscal Year:** _____

C.E.O. RECOMMENDATION:

APPROVE
BY:
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
 Nays: None
 Absent: None
 Date: June 21, 2016
 xc: RUHS

Kecia Harper-Ihem
 Clerk of the Board
 By:
 Deputy

Prev. Agn. Ref.: _____ District: All Agenda Number: _____

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FORM APPROVED COUNTY COUNSEL
 BY:
 ANITA C. WILLIS
 DATE: 6-8-16

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

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Designation of Riverside County as a Hybrid Entity Under the Health Insurance
Portability and Accountability Act (HIPAA)[All Districts][Total Cost \$ 0]**

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BACKGROUND:

Summary

Designation of a "Hybrid Entity" within the County is recommended for two reasons. First, it will allow the County to focus limited resources by training only departments with direct responsibilities related to the HIPAA regulations rather than everyone in the County's workforce. Second, designating a hybrid also focuses efforts to achieve policy compliance and limit the County's potential liability exposure for how it protects patient related health information.

HIPAA Hybrid Entities

The "Administrative Simplification" provisions of the federal Health Insurance Portability and Accountability Act, and regulations promulgated thereunder ("HIPAA") impose health information privacy and security requirements on entities that provide or pay for health care. The HIPAA rules allow covered entities, such as the County, to determine and designate the components of the entity that will be subject to the rules. Under the current County structure, all County functions are subject to the HIPAA Privacy Rules which puts the County at greater risk of liability for violations of the HIPAA rules, with no perceivable benefit. Other counties, such as San Bernardino, Orange, Tehama, and Stanislaus Counties, have self-designated their "hybrid" status.

A. Covered Entity Components

In September 2015 the CEO sent out a HIPAA Questionnaire to County departments and agencies to gather information that could be used to identify which departments/agencies should be characterized as "Health Care Components" and those that provide services supporting those health care activities. The results were analyzed by the County Privacy Office and County Counsel. Based upon that Assessment, we are recommending that the Board of Supervisors make a formal declaration that the County is a hybrid entity which will include all components of the Riverside University Health System, as well as Human Resources - Exclusive Care, which is a Managed care health plan that services plan members who are primarily County employees and the Riverside County Fire Department.

B. Business Associate Components

Departments within the County that provide services to the healthcare components, in the performance of its services, may have access to Protected Health Information (PHI) in order to provide those services. If a department provides services to the health care component and receives PHI on its behalf; or creates PHI in order to perform those services ("Business Associate Services"), the County must ensure that these departments are also handling PHI as required by HIPAA. It is recommended that County policies and procedures be developed to meet this requirement. The following departments, to the extent that they provide such service to healthcare components, have been determined to fall into this category:

- Auditor Controller
- County Counsel
- Human Resources – Risk Management
- Human Resources – Employee benefits and Services
- Riverside County Information Technology (RCIT)
- Office on Aging
- Sheriff

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Including these departments within the "hybrid" designation will make that information sharing possible, provide consistency of approach and consistency of training. The County Departments and Agencies not listed are excluded from the Hybrid Entity and HIPAA because it has been determined that these departments are not healthcare providers using electronic transmissions nor do they require access to or collect PHI for any covered department.

Impact on Citizens and Businesses

The County designation as a Hybrid Entity will allow the County to increase the level of protection of PHI, and reduce the HIPAA compliance related risks to the County.