

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



ITEM: 3.4
(ID # 23151)

MEETING DATE:

Tuesday, October 03, 2023

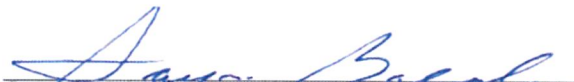
FROM : EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: Approve Updated Board Policy B-23: Health Information Privacy and Security Policy, Notice of Privacy Practices, and Hybrid Entity Composition; All Districts. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve updated Board Policy B-23: Health Information Privacy and Security Policy (Policy), the English language version of the Notice of Privacy Practices, which is Attachment 1.A to the Policy, and the Hybrid Entity Composition, which is Attachment 3 to the Policy;
2. Direct that a Spanish translation of the updated English language version of the Notice of Privacy Practices be prepared to replace Attachment 1.B to the Policy;
3. Direct the County HIPAA Privacy Official to further develop health information privacy policies, procedures, and documents as appropriate to support additional departments designated as health care components in the County Hybrid Entity consistent with the requirements of HIPAA, subject to legal review by County Counsel; and
4. Direct the County Health Information Security Official to further develop health information security policies, procedures, and documents as appropriate to support additional departments designated as health care components in the County Hybrid Entity consistent with the requirements of HIPAA, subject to legal review by County Counsel.

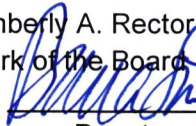
ACTION:Policy


Sayori Baldwin, Ass't. CEO-Human Services 9/28/2023

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: October 3, 2023
xc: E.O. COBAB

Kimberly A. Rector
Clerk of the Board
By: 
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$0	\$0	\$0	\$0
NET COUNTY COST	\$0	\$0	\$0	\$0
SOURCE OF FUNDS: N/A			Budget Adjustment:	No
			For Fiscal Year:	23/24

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On June 21, 2016, the County Board of Supervisors (Board) designated the County as a Hybrid Entity under the Health Insurance Portability and Accountability Act (HIPAA), including its regulations, for two reasons. First, it allows the County to focus limited resources by training only departments with direct responsibilities related to HIPAA. Second, designating a Hybrid Entity also focuses efforts to achieve policy compliance and limit the County’s potential liability exposure for how it protects patient-related health information.

On December 7, 2021 (Agenda Item 3.34), the Board adopted Resolution No. 2021-180 recognizing the County’s “most vulnerable, high-need residents require coordinated services that holistically address multiple needs of the person or within a family.” The Board directed the establishment of “an integrated and comprehensive county health and human services system” to facilitate a “coordinated and client-centered service delivery model” that involves interdepartmental information sharing. Achieving the County’s vision for “Integrated Service Delivery” requires sharing of protected health information (“PHI”) subject to compliance with HIPAA and other applicable privacy and security laws.

To facilitate greater interdepartmental information sharing, the County, subject to Board approval, will update Board Policy B-23 to designate additional departments that participate in Integrated Service Delivery (including the Human Services Portfolio Departments and the Department of Probation) as health care components in the County Hybrid Entity. The updated Policy will permit health care components of the County Hybrid Entity to use or disclose PHI for their own health care operations, which include population-based activities relating to improving health. Additionally, the updated Policy will designate the Executive Office as a health care component within the County Hybrid Entity to the extent it performs covered functions under HIPAA, such as management or administrative services that involve receiving PHI.

The County will ensure all Hybrid Entity departments comply with HIPAA obligations and other applicable privacy and security laws. The County Hybrid Entity departments will work with the County HIPAA Privacy Official, County Health Information Security Official, and the County HIPAA Compliance Council (HCC) to ensure operational compliance, including, but not limited to, the following: (i) that PHI is shared in accordance with HIPAA’s minimum necessary standard by imposing safeguards so that access to PHI is limited to the classes of persons who

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need the information for Integrated Service Delivery and to the categories of information they need; and (ii) implementing administrative, technical, and physical safeguards to ensure the confidentiality, integrity, and availability of PHI (including electronic PHI). Additionally, the County Health Information Security Official may, at their sole discretion, form or participate in committee(s) and/or working group(s) to facilitate further development of health information security policies, procedures, and documents as appropriate.

The HCC recommends that the Board approves the updated Board Policy B-23. The following is a description of key substantive updates to the Policy:

Board Policy B-23	Proposed Updates
Section E. Workforce Training	Clarify that Information Security and Privacy trainings occur prior to accessing PHI, Information Security training is required for all Hybrid Entity department workforce members, and Privacy training is required for Hybrid Entity department workforce members when necessary and appropriate for the workforce member to carry out functions regulated by HIPAA.
Attachment 1.A: Notice of Privacy Practices – English	Address Integrated Service Delivery that health information may be shared with public or private social services agencies to help coordinate services and improve health.
Attachment 3: Hybrid Entity Composition	Designate the following County departments as health care components within the County Hybrid Entity to the extent they perform covered functions under HIPAA: Child Support Services, Department of Public Social Services, First 5 Riverside, Housing and Workforce Solutions, Veterans' Services, Probation, and Executive Office.

There are no proposed changes to Attachment 2 – Business Associate Agreement Template to the Policy.

Impact on Residents and Businesses

The County designation as a Hybrid Entity that includes the Health, Human Services and Public Safety Departments that provide health care-related services to the County's residents will allow the County to provide person-centered care while ensuring HIPAA compliance and privacy protection. Including additional departments from the Human Services Portfolio and Department of Probation will expand information sharing to such Departments to ensure that care coordination takes place throughout the County's early prevention and intervention service delivery continuum.

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ATTACHMENTS:

Attachment A: Updated Board Policy B-23, Health and Information Privacy and Security Policy, including Attachment 1.A, Notice of Privacy Practices – English, and Attachment 3, Hybrid Entity Composition.

Attachment B: Redline of Board Policy B-23, Health and Information Privacy and Security Policy, including Attachment 1.A, Notice of Privacy Practices – English, and Attachment 3, Hybrid Entity Composition.


Gregg Gu, Chief Deputy County Counsel 9/28/2023

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Policy:

The County is a single legal entity comprised of multiple departments, some of which create, access, use, store, process or transmit identifiable health information about patients that is protected by state and federal laws. The County has designated certain departments and functions as a "hybrid entity" under the Health Insurance Portability and Accountability Act (HIPAA) regulations and established this policy to ensure that each component of the hybrid entity complies with the applicable Privacy and Information Security requirements of HIPAA and California privacy medical laws.

The County's hybrid departments shall safeguard the privacy, security and integrity of both electronic and non-electronic protected health information they create, access, use, store, process and/or transmit. Each department will:

- Keep individually identifiable health information private, secure and safe from accidental or malicious attempts to disclose or destroy it;
- Provide notice of the County's legal duties and privacy practices with respect to health information;
- Follow the terms of the County notice of Privacy Practices currently in effect; and
- With respect to any breach of unsecured protected health information, notify the affected individuals, the Secretary of the United States Department of Health and Human Services, the California Department of Public Health and prominent media outlets, as applicable.

A. HIPAA Compliance Council

County Departments designated as part of the hybrid shall assign a representative to the HIPAA Compliance Council (HCC) and require that representative to regularly attend and participate in HCC meetings. County Departments subject to California privacy laws shall be invited to participate in HCC and attend regularly scheduled meetings. The HCC is responsible for:

1. Formal coordination of health information privacy and security activities among hybrid Departments;
2. Reviewing and recommending to the Board of Supervisors County level policies and procedures regarding the privacy, security and integrity of protected health information;
3. Implementation and oversight of compliance with County policies and procedures related to protected health information; and
4. Reviewing and approving training methods and the content of Department specific Privacy and Health Information Security training.

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B. Hybrid and Key Role Designations

The Board of Supervisors may from time to time consider the particular Departments and functions included as health care components within the "hybrid" entity and change that designation as changes in the structure or activities of Departments dictate. See Addendum. In addition, HCC will, at least annually, consider the hybrid entity's current designations and functions and recommend to the Board of Supervisors any changes it deems necessary.

The Assistant County Executive Officer of Health Systems shall designate a County HIPAA Privacy Official and a County Health Information Security Official.

Each Department included as a health care component in the hybrid entity shall appoint a Privacy Officer for that Department to fulfill for that Department the functions of a County-wide description of those responsibilities. The designated Department Privacy Officer shall serve as the Department's HCC representative.

C. Departmental Responsibility

Each hybrid entity Department shall present periodic compliance reports to HCC. Each Department in the hybrid entity shall ensure compliance with the applicable HIPAA Privacy and Security requirements and state medical privacy laws within its scope of operations.

D. Complaints and Inquiries

Any individual may direct inquiries and complaints regarding health privacy or security issues to the Privacy Officer within each hybrid entity Department or to the County HIPAA Privacy Official.

Department Privacy Officers will coordinate responses to such inquiries and complaints with the County HIPAA Privacy Official.

Under no circumstances will the County allow or enable retaliation or reprisal against Individuals who file such complaints.

E. Workforce Training

Required trainings shall occur prior to accessing PHI and in no case later than 60 days after hire and annually thereafter:

- Information Security training shall be required for all hybrid entity Department workforce members.
- Privacy training shall be required for hybrid entity Department workforce members when necessary and appropriate for the workforce member to carry out functions regulated by HIPAA.

Evidence of training records must be retained for a minimum of six (6) years.

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F. Notice of Privacy Practices

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 a good faith effort to obtain completed acknowledgements of receipt of this notice from each client or patient, and if not obtained, document its good faith efforts to obtain such acknowledgement and the reason why the acknowledgement was not obtained. This notice and acknowledgement may be amended as needed with the approval of the County Counsel and the Executive Officer, and amended copies provided thereafter upon request.

G. Uses and Disclosures - General

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

1. For treatment;
2. For payment;
3. For health care operations;
4. For health plan administration, except for genetic information which by law the County health plan may not use or disclose for underwriting purposes; and
5. For fundraising for its own benefit, provided that legal requirements are satisfied.

H. Uses and Disclosures Generally Requiring Authorization

The County may use and disclose the following health information with a valid authorization, unless an exception exists under state and/or federal law:

1. From mental health records and psychotherapy notes;
2. From or pertaining to some substance abuse treatment programs; and
3. For marketing.

I. Uses and Disclosures 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.

J. Uses and Disclosures NOT Requiring Authorization or an Opportunity to Agree or Object

In specific cases, the County may use and disclose health information without the individual's authorization and without providing an opportunity to agree or object:

1. When required by law;
2. For public health activities;

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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-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 to 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 any other reasons not covered by this policy without prior written authorization.

K. 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 limit communications by making prior payment arrangements;
4. Right to request to inspect and copy records;
5. Right to request amendments of their health records;
6. Right to an accounting of certain disclosures;

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7. Right to obtain a paper copy of the required notice of privacy practices upon request; and
8. Right to file complaints without fear of retaliation.

L. 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 2 of this policy. The terms of this business associate 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 to Attachment 2 of this policy as necessary to bring existing underlying agreements into compliance with this policy.

M. Effective Date

This policy took initial effect on April 14, 2003.

References:

Minute Order 3.26 of 03/18/03
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 3.98 of 09/10/13
Minute Order 3-59 of 06/21/16
Minute Order 3-8 of 05/21/19
Minute Order X-XX of XX/XX/23

Attachments:

Attachment 1.A – Notice of Privacy Practices – English
Attachment 1.B – Notice of Privacy Practices – Spanish
Attachment 2 – Business Associate Agreement Template
Attachment 3 – Hybrid Entity Composition

**Attachment 1.A – Notice of Privacy Practices – English
TO BOARD POLICY B-23**



COUNTY OF RIVERSIDE NOTICE OF PRIVACY PRACTICES

This Notice describes how medical information about you may be used and shared and how you can obtain access to this information. Please review it carefully.

Your Rights

When it comes to your health information, you have the right to:

Get an electronic or paper copy of your medical record

- You can ask to see or get copies of your medical record. Ask us how to do this.
- We may charge a reasonable, cost-based fee.

Ask us to correct your medical record

- You can ask us to change health information about you if it is incorrect or incomplete. Ask us how to do this.
- We may say “no” to your request, but if we say no, we’ll tell you why in writing within 60 days.
- You may also add a written add-on to your medical record about the statement in your record that you believe is incorrect or incomplete. Ask us how to do this.

Request confidential communications

- You have the right to receive confidential communications of protected health information as provided in 45 CFR §164.522(b), as applicable and can ask us to communicate with you in a certain way (for example: home, cell, or office phone or to send mail to a certain address).

Ask us to limit what we share

- If you have paid for an item or service in full, you can ask us not to share that information about the **item or service with a health plan**. We will say “yes” unless a law requires us to share that information.

Get a list of those with whom we’ve shared information

- You can ask us for a list (called an “accounting”) of times we’ve shared your health information during the last six years before the date you ask, who we shared it with, and why.
- We will provide one (1) accounting a year for free but will charge a reasonable, cost-based fee if you ask for another accounting within 12 months.

File a complaint if you feel your rights are violated

- You can file a complaint by contacting us at (951) 486-4659 or r.compliance@ruhealth.org.
- You can file a complaint with the U.S. Department of Health and Human Services Office for Civil Rights by using the information on page 4.
- We will not retaliate against you for filing a complaint.

How we may use or disclose information about you

We use or share information to:

<p>Treat you and contact you</p>	<ul style="list-style-type: none"> • We can use health information about you and share it with other professionals who are treating you. • Health information about you may also be used by non-County of Riverside healthcare providers who share our common electronic health record, but only to treat or contact you. • We may share your health information with public or private social service agencies to help coordinate services and improve your health. • We may use and share your health information to contact you when necessary. 	<p>Examples:</p> <p>RUHS providers, such as nurses, doctors, therapists, etc., may view your health information.</p> <p>Because RUHS shares a common medical record platform with Loma Linda University Health, RUHS providers can also see information collected by your Loma Linda providers and appointments you have scheduled there.</p> <p>We may contact you about future appointments and with test results.</p>
<p>Run our organization</p>	<ul style="list-style-type: none"> • We may use information to assess the care and outcomes in your case, to improve our services, and in administrative processes. 	<p>Example: We use health information to measure how well our staff is caring for patients.</p>
<p>Bill for your services</p>	<ul style="list-style-type: none"> • We may use and share information to bill you or your insurance company. 	<p>Example: We send bills and other information to your health insurance plan so it will pay for services you received.</p>
<p>Health care operations and plan administration</p>	<ul style="list-style-type: none"> • As administrator of certain health plans, such as Medicare, Medi-Cal, and Exclusive Care, the County may disclose limited information to plan sponsors. 	<p>Example: For purposes such as plan eligibility and enrollment, benefits administration, and payment of health care expenses.</p>
<p>Underwriting purposes</p>	<ul style="list-style-type: none"> • If you are a member of Exclusive Care, we may use or share certain information for underwriting purposes. 	<p>Example: We use some information when we are trying to set the cost of premiums.</p>

Help with public health and safety issues

We can share health information about you for certain situations such as:

- Reporting births and deaths
 - Preventing or controlling disease, injury, or disability
 - Helping with product recalls
 - Reporting adverse reactions to medications or problems with products
 - Reporting suspected abuse, neglect, or domestic violence
 - Preventing or reducing a serious threat to anyone's health or safety
-

Comply with the law

We will share your health information as required by State or federal law.

Work with the medical examiner or funeral director

We can share your information with a coroner, medical examiner, or funeral directors, as necessary.

Do research

We can use and share your health information for health research, if a special board permits us to.

Address workers' compensation, law enforcement, and other government requests

We can use or share health information about you:

- For workers' compensation claims or similar programs
 - For certain, limited law enforcement purposes
 - With government agencies responsible for health oversight
 - For special government functions such as national security and presidential protective services.
 - In response to a court or administrative order, or a subpoena.
 - If you are an inmate of the correctional institution or in custody of a law enforcement official, we may share with the correctional institution or other law enforcement for purposes such as protecting your safety or the safety of others.
-

Health Information Exchange

- We participate in a Health Information Exchange (HIE)
 - The HIE is an electronic system that allows participating health care providers to share patient information in compliance with federal and state privacy laws
 - Unless you notify us or otherwise you object, we will share your health information electronically with your participating health care providers as necessary for treatment
 - Patient health information that currently by law requires your signed authorized for release WILL NOT be transmitted to the HIE without your consent
 - You can opt out of being included in an HIE at any time by contacting your provider's office
-

How else may we use or share your health information? We are allowed or required to share your information in other ways – usually in ways that contribute to the public good, such as public health and research efforts. We have to meet many conditions before we can share your

information for these purposes. For more information see: <https://www.hhs.gov/hipaa/for-individuals/index.html>

Your Choices

For certain health information, you can choose what we share. Tell us what you want us to do, and we will do our best to follow your instructions.

In these cases, you have the right to decide if we can:

- Share information with individuals involved in your health care or assisting with payment for your health care.
- Share information in a disaster relief situation
- Contact you for fundraising efforts
- Share your name, location in the facility, and general status (for example “fair” or “critical”) with those who ask for you by name.
- Share your religious affiliation with clergy.

In these cases, we never share your information unless you give us written permission:

- Marketing purposes
- Most sharing of mental health and substance abuse treatment records

Our Responsibilities

- We are committed and required by law to maintain the privacy and security of your protected health information.
- We will let you know of any breach that may have compromised the privacy or security of your protected health information (PHI).
- We must follow the terms of this notice and give you a copy of it to inform you of our legal duties and privacy practices with respect to PHI. Except in an emergency treatment situation, we will make a good faith effort to obtain a written acknowledgment of receipt of this Notice of Privacy Practices.
- If you tell us we can use or share your information, you may change your mind at any time and revoke your permission. Let us know in writing if you change your mind. We can't change actions taken based on your prior permission or if permission was obtained as a condition of obtaining insurance coverage.
- For additional information about this Notice, contact the County's Privacy Officer using the contact information below.

Changes to the Terms of this Notice: We can change the terms of this notice, and the changes will apply to all information we have about you. The new notice will be available upon request, in our offices, and on our web site.

The effective date of this Notice is December 2021.

Privacy Complaint Contacts

Riverside County Privacy Office
Compliance and Privacy Officer
26520 Cactus Avenue
Moreno Valley, CA 92555
(951) 486-4659

U.S. Department of Health & Human Services
Region IX Office of Civil Rights
90 7th Street, Suite 4-100 San Francisco, CA 94103
TEL: (800) 368-1019 • TDD: (800) 537-7697 •
FAX: (202) 619-3818

**Attachment 3 – Hybrid Entity Composition
TO BOARD POLICY B-23**

**Attachment 3 – Hybrid Entity Composition
TO BOARD POLICY B-23**

The County of Riverside Hybrid Entity hereby designates its health care components. Consistent with 45 C.F.R. § 164.105(a)(2)(iii)(D), the health care components must include all Departments that would meet the definition of a covered entity or business associate if they were a separate legal entity,¹ and may include Departments only to the extent that they perform covered functions. The health care components, to the extent they perform covered functions, are:

- Riverside University Health System (RUHS)
 - RUHS Medical Center
 - Department of Behavioral Health
 - Community Health Centers
 - Detention Health
 - Department of Public Health
- Riverside County Emergency Management Department
- Riverside County Fire Department
- Riverside County Information Technology (RCIT)
- Child Support Services
- County Counsel
- Department of Public Social Services
- Executive Office
- First 5 Riverside
- Housing and Workforce Solutions
- Human Resources
- Office on Aging
- Probation Department
- Sheriff's Department
- Veterans' Services

¹ The terms "covered entity" and "business associate" are defined at 45 C.F.R. § 160.103.

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Policy:

The County is a single legal entity comprised of multiple departments, some of which create, access, use, store, process or transmit identifiable health information about patients that is protected by state and federal laws. The County has designated certain departments and functions as a "hybrid entity" under the Health Insurance Portability and Accountability Act (HIPAA) regulations and established this policy to ensure that each component of the hybrid entity complies with the applicable Privacy and Information Security requirements of HIPAA and California privacy medical laws.

The County's hybrid departments shall safeguard the privacy, security and integrity of both electronic and non-electronic protected health information they create, access, use, store, process and/or transmit. Each department will:

- Keep individually identifiable health information private, secure and safe from accidental or malicious attempts to disclose or destroy it;
- Provide notice of the County's legal duties and privacy practices with respect to health information;
- Follow the terms of the County notice of Privacy Practices currently in effect; and
- With respect to any breach of unsecured protected health information, notify the affected individuals, the Secretary of the United States Department of Health and Human Services, the California Department of Public Health and prominent media outlets, as applicable.

A. HIPAA Compliance Council

County Departments designated as part of the hybrid shall assign a representative to the HIPAA Compliance Council (HCC) and require that representative to regularly attend and participate in HCC meetings. County Departments subject to California privacy laws shall be invited to participate in HCC and attend regularly scheduled meetings. The HCC is responsible for:

1. Formal coordination of health information privacy and security activities among hybrid Departments;
2. Reviewing and recommending to the Board of Supervisors County level policies and procedures regarding the privacy, security and integrity of protected health information;
3. Implementation and oversight of compliance with County policies and procedures related to protected health information; and
4. Reviewing and approving training methods and the content of Department specific Privacy and Health Information Security training.

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B. Hybrid and Key Role Designations

The Board of Supervisors may from time to time consider the particular Departments and functions included as health care components within the “hybrid” entity and change that designation as changes in the structure or activities of ~~d~~Departments dictate. See Addendum. ~~In addition, At least annually~~ HCC will, at least annually, consider the hybrid entity's current designations and functions and recommend to the Board of Supervisors any changes it deems necessary.

The Assistant County Executive Officer of Health Systems shall designate a County HIPAA Privacy Official and a County Health Information Security Official.

Each Department included as a health care component in the hybrid entity shall appoint a Privacy Officer for that Department to fulfill for that Department the functions of a County-wide description of those responsibilities. The designated Department Privacy Officer shall serve as the Department's HCC representative.

C. Departmental Responsibility

Each hybrid entity Department shall present periodic compliance reports to HCC. Each Department in the hybrid entity shall ensure compliance with the applicable HIPAA Privacy and Security requirements and state medical privacy laws within its scope of operations. ~~Each hybrid Department shall present periodic compliance reports at HCC.~~

D. Complaints and Inquiries

Any individual may direct inquiries and complaints regarding health privacy or security issues to the Privacy Officer within each hybrid entity ~~d~~Department or to the County HIPAA Privacy Official.

Department Privacy Officers will coordinate responses to such inquiries and complaints with the County HIPAA Privacy Official.

Under no circumstances will the County allow or enable retaliation or reprisal against Individuals who file such complaints.

E. Workforce Training

~~Privacy and Information Security Required~~ trainings shall ~~be mandatory for workforce members of all Departments within the hybrid within occur prior to accessing PHI and in no case later than~~ 60 days ~~of~~after hire and annually thereafter.:

- Information Security training shall be required for all hybrid entity Department workforce members.
- Privacy training shall be required for hybrid entity Department workforce members when necessary and appropriate for the workforce member to carry out functions regulated by HIPAA.

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Evidence of training records must be retained for a minimum of six (6) years.

F. Notice of Privacy Practices

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 a good faith effort to obtain completed acknowledgements of receipt of this notice from each client or patient, and if not obtained, document its good faith efforts to obtain such acknowledgement and the reason why the acknowledgement was not obtained. This notice and acknowledgement may be amended as needed with the approval of the County Counsel and the Executive Officer, and amended copies provided thereafter upon request.

G. Uses and Disclosures - General

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

1. For treatment;
2. For payment;
3. For health care operations;
4. For health plan administration, except for genetic information which by law the County health plan may not use or disclose for underwriting purposes; and
5. For fundraising for its own benefit, provided that legal requirements are satisfied.

H. Uses and Disclosures Generally Requiring Authorization

~~Unless an exception applies under state and/or federal law, t~~The County may use and disclose the following health information ~~as follows only~~ with a valid authorization, unless an exception exists under state and/or federal law:

1. From mental health records and psychotherapy notes;
2. From or pertaining to some substance abuse treatment programs; and
3. For marketing.

I. Uses and Disclosures 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.

J. Uses and Disclosures NOT Requiring Authorization or an Opportunity to Agree or Object

**County of Riverside, California
Board of Supervisors Policy**

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In specific cases, the County may to use and disclose health information without the individual's authorization and without providing an opportunity to agree or object:

1. As-When 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-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 to 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 any other reasons not covered by this policy without prior written authorization.

K. 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 limit communications by making prior payment arrangements;

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4. Right to request to inspect and copy records;
5. Right to request amendments of their health records;
6. Right to an accounting of certain disclosures;
7. Right to obtain a paper copy of the required notice of privacy practices upon request; and
8. Right to file complaints without fear of retaliation.

L. 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 2 ~~3~~ of this policy. The terms of this business associate 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 to Attachment 2 of this policy as necessary to bring existing underlying agreements into compliance with this policy.

M. Effective Date

This policy took initial effect on April 14, 2003.

References:

Minute Order 3.26 of 03/18/03
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 3.98 of 09/10/13
Minute Order 3-59 of 06/21/16
Minute Order 3-8 of 05/21/19
[Minute Order X-XX of XX/XX/23](#)

Attachments:

Attachment 1.A – Notice of Privacy Practices – English
Attachment 1.B – Notice of Privacy Practices – Spanish
Attachment 2 – Business Associate Agreement Template
Attachment 3 – Hybrid Entity Composition

**Attachment 1.A – Notice of Privacy Practices – English
TO BOARD POLICY B-23**



COUNTY OF RIVERSIDE NOTICE OF PRIVACY PRACTICES

This Notice describes how medical information about you may be used and shared and how you can obtain access to this information. Please review it carefully.

Your Rights

When it comes to your health information, you have the right to:

Get an electronic or paper copy of your medical record

- You can ask to see or get copies of your medical record. Ask us how to do this.
- We may charge a reasonable, cost-based fee.

Ask us to correct your medical record

- You can ask us to change health information about you if it is incorrect or incomplete. Ask us how to do this.
- We may say “no” to your request, but if we say no, we’ll tell you why in writing within 60 days.
- You may also add a written add-on to your medical record about the statement in your record that you believe is incorrect or incomplete. Ask us how to do this.

Request confidential communications

- You have the right to receive confidential communications of protected health information as provided in 45 CFR §164.522(b), as applicable and can ask us to communicate with you in a certain way (for example: home, cell, or office phone or to send mail to a certain address).

Ask us to limit what we share

- If you have paid for an item or service in full, you can ask us not to share that information about the **item or service with a health plan**. We will say “yes” unless a law requires us to share that information.

Get a list of those with whom we’ve shared information

- You can ask us for a list (called an “accounting”) of times we’ve shared your health information during the last six years before the date you ask, who we shared it with, and why.
- We will provide one (1) accounting a year for free but will charge a reasonable, cost-based fee if you ask for another accounting within 12 months.

File a complaint if you feel your rights are violated

- You can file a complaint by contacting us at (951) 486-4659 or r.compliance@ruhealth.org.
- You can file a complaint with the U.S. Department of Health and Human Services Office for Civil Rights by using the information on page 4.
- We will not retaliate against you for filing a complaint.

How we may use or disclose information about you

We use or share information to:

<p>Treat you and contact you</p>	<ul style="list-style-type: none"> • We can use health information about you and share it with other professionals who are treating you. • Health information about you may also be used by non-County of Riverside healthcare providers who share our common electronic health record, but only to treat or contact you. • <u>We may share your health information with public or private social service agencies to help coordinate services and improve your health.</u> • We may use and share your health information to contact you when necessary. 	<p>Examples:</p> <p>RUHS providers, such as nurses, doctors, therapists, etc., may view your health information.</p> <p>Because RUHS shares a common medical record platform with Loma Linda University Health, RUHS providers can also see information collected by your Loma Linda providers and appointments you have scheduled there.</p> <p>We may contact you about future appointments and with test results.</p>
<p>Run our organization</p>	<ul style="list-style-type: none"> • We may use information to assess the care and outcomes in your case, to improve our services, and in administrative processes. 	<p>Example: We use health information to measure how well our staff is caring for patients.</p>
<p>Bill for your services</p>	<ul style="list-style-type: none"> • We may use and share information to bill you or your insurance company. 	<p>Example: We send bills and other information to your health insurance plan so it will pay for services you received.</p>
<p>Health care operations and plan administration</p>	<ul style="list-style-type: none"> • As administrator of certain health plans, such as Medicare, Medi-Cal, and Exclusive Care, the County may disclose limited information to plan sponsors. 	<p>Example: For purposes such as plan eligibility and enrollment, benefits administration, and payment of health care expenses.</p>
<p>Underwriting purposes</p>	<ul style="list-style-type: none"> • If you are a member of Exclusive Care, we may use or share certain information for underwriting purposes. 	<p>Example: We use some information when we are trying to set the cost of premiums.</p>

Help with public health and safety issues	<p>We can share health information about you for certain situations such as:</p> <ul style="list-style-type: none"> • Reporting births and deaths • Preventing or controlling disease, injury, or disability • Helping with product recalls • Reporting adverse reactions to medications or problems with products • Reporting suspected abuse, neglect, or domestic violence • Preventing or reducing a serious threat to anyone’s health or safety
Comply with the law	<p>We will share your health information as required by State or federal law.</p>
Work with the medical examiner or funeral director	<p>We can share your information with a coroner, medical examiner, or funeral directors, as necessary.</p>
Do research	<p>We can use and share your health information for health research, if a special board permits us to.</p>
Address workers’ compensation, law enforcement, and other government requests	<p>We can use or share health information about you:</p> <ul style="list-style-type: none"> • For workers’ compensation claims or similar programs • For certain, limited law enforcement purposes • With government agencies responsible for health oversight • For special government functions such as national security and presidential protective services. • In response to a court or administrative order, or a subpoena. • If you are an inmate of the correctional institution or in custody of a law enforcement official, we may share with the correctional institution or other law enforcement for purposes such as protecting your safety or the safety of others.
Health Information Exchange	<ul style="list-style-type: none"> • We participate in a Health Information Exchange (HIE) • The HIE is an electronic system that allows participating health care providers to share patient information in compliance with federal and state privacy laws • Unless you notify us or otherwise you object, we will share your health information electronically with your participating health care providers as necessary for treatment • Patient health information that currently by law requires your signed authorized for release WILL NOT be transmitted to the HIE without your consent • You can opt out of being included in an HIE at any time by contacting your provider’s office
<p>How else may we use or share your health information? We are allowed or required to share your information in other ways – usually in ways that contribute to the public good, such as public health and research efforts. We have to meet many conditions before we can share your</p>	

information for these purposes. For more information see: <https://www.hhs.gov/hipaa/for-individuals/index.html>

Your Choices

For certain health information, you can choose what we share. Tell us what you want us to do, and we will do our best to follow your instructions.

In these cases, you have the right to decide if we can:

- Share information with individuals involved in your health care or assisting with payment for your health care.
- Share information in a disaster relief situation
- Contact you for fundraising efforts
- Share your name, location in the facility, and general status (for example “fair” or “critical”) with those who ask for you by name.
- Share your religious affiliation with clergy.

In these cases, we never share your information unless you give us written permission:

- Marketing purposes
- Most sharing of mental health and substance abuse treatment records

Our Responsibilities

- We are committed and required by law to maintain the privacy and security of your protected health information.
- We will let you know of any breach that may have compromised the privacy or security of your protected health information (PHI).
- We must follow the terms of this notice and give you a copy of it to inform you of our legal duties and privacy practices with respect to PHI. Except in an emergency treatment situation, we will make a good faith effort to obtain a written acknowledgment of receipt of this Notice of Privacy Practices.
- If you tell us we can use or share your information, you may change your mind at any time and revoke your permission. Let us know in writing if you change your mind. We can't change actions taken based on your prior permission or if permission was obtained as a condition of obtaining insurance coverage.
- For additional information about this Notice, contact the County's Privacy Officer using the contact information ~~on page 4 of this Notice below.~~

Changes to the Terms of this Notice: We can change the terms of this notice, and the changes will apply to all information we have about you. The new notice will be available upon request, in our offices, and on our web site.

The effective date of this Notice is December 2021.

Privacy Complaint Contacts

Riverside County Privacy Office
Compliance and Privacy Officer
26520 Cactus Avenue
Moreno Valley, CA 92555
(951) 486-4659

U.S. Department of Health & Human Services
Region IX Office of Civil Rights
90 7th Street, Suite 4-100 San Francisco, CA 94103
TEL: (800) 368-1019 • TDD: (800) 537-7697 •
FAX: (202) 619-3818

**Attachment 3 – Hybrid Entity Composition
TO BOARD POLICY B-23**

**Attachment 3 – Hybrid Entity Composition
TO BOARD POLICY B-23**

The County of Riverside Hybrid Entity ~~is comprised of the following Departments:~~ hereby designates its health care components. Consistent with 45 C.F.R. § 164.105(a)(2)(iii)(D), the health care components must include all Departments that would meet the definition of a covered entity or business associate if they were a separate legal entity,¹ and may include Departments only to the extent that they perform covered functions. The health care components, to the extent they perform covered functions, are:

- Riverside University Health System (RUHS)
 - RUHS Medical Center
 - Department of Behavioral Health
 - ~~Health Care Clinics~~Community Health Centers
 - Detention Health
 - Department of Public Health
- Riverside County Emergency Management Department
- Riverside County Fire Department
- Riverside County Information Technology (RCIT)
- Child Support Services
- County Counsel
- Department of Public Social Services
- Executive Office
- First 5 Riverside
- Housing and Workforce Solutions
- Human Resources ~~Exclusive Care Health Plan~~
- Office on Aging
- Probation Department
- Sheriff's Department
- Veterans' Services
- ~~Departments providing business associate services~~
 - ~~County Counsel~~
 - ~~Human Resources – Risk Management~~
 - ~~Human Resources – Employee Benefits and Services~~
 - ~~Riverside County Information Technology (RCIT)~~
 - ~~Office on Aging~~
 - ~~Sheriff's Department~~

¹ The terms "covered entity" and "business associate" are defined at 45 C.F.R. § 160.103.



Riverside County Board of Supervisors Request to Speak *Online*

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Brad Anderson

Address: _____

City: _____ **Zip:** _____

Phone #: _____

Date: _____ **Agenda #** 3.4

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** _____ **Oppose** _____ **Neutral**

Note: If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda/Public Comment:

Notwithstanding any other provisions of these rules, a member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES. Donated time is not permitted during Public Comment.

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please ensure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin to flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. ***Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.***

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the bottom of the form.

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman, may result in removal from the Board Chambers by Sheriff Deputies.

Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use **Meeting ID # 864 4411 6015 . Password is 20231003**. You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am with the phone number you provided in the form so you can be identified during the meeting.

Submitted on October 2, 2023

Submitted values are:

First Name

B

Last Name

Anderson

Address (Street, City and Zip)

N/A

Phone

7602192615

Email

ba4612442@gmail.com

Agenda Date

10/03/2023

Agenda Item # or Public Comment

3.4

State your position below

Oppose

Comments

Board Policies (B-23)

Appearances may be deceiving (concern over the expansion of this information network)

Appears that California's new "Care" Act maybe missused due to it's (private) aspects and non-public design

3.4