

RESOLUTION

NO: 2013-04-107

LIVINGSTON COUNTY

DATE: April 9, 2013

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**RESOLUTION DESIGNATING LIVINGSTON COUNTY HIPAA HYBRID ENTITY STATUS, APPOINTING A HIPAA PRIVACY OFFICER AND A SECURITY OFFICER, AND DIRECTING ALL DEPARTMENTS THAT HAVE ACCESS TO PROTECTED HEALTH INFORMATION (“PHI”) TO COMPLY WITH COUNTY POLICIES AND DESIGNATE A SECURITY OFFICIAL AND PRIVACY OFFICIAL AND ACKNOWLEDGING THAT THE SHERIFF HAS AGREED TO ADHERE TO THE COUNTY POLICIES/PROCEDURES – HUMAN RESOURCES**

**WHEREAS,** Livingston County (the “County”) is committed to compliance with all applicable laws and regulations relating to data privacy and security, including, but not limited to, the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and regulations promulgated thereunder by the U.S. Department of Health and Human Services (the “HIPAA Regulations”);

**WHEREAS,** the Board of Commissioners has authorized the creation of a Technology Committee which has recommended implementation of a Privacy Compliance Program designed to prevent and detect violations of HIPAA and other applicable laws relating to data privacy and security by the County and its employees, agents and contractors;

**WHEREAS,** the Board, based upon the recommendations of the County’s Technology Committee and County Attorney, has determined that the County may more effectively and efficiently administer its Privacy Compliance Program by designating the County as a “hybrid entity,” as that term is defined under HIPAA;

**WHEREAS,** the Technology Committee has recommended a series of four administrative procedures for those Departments/Offices of the County which have access to PHI to assure compliance with HIPAA;

**WHEREAS,** the Sheriff, as a Constitutional officer and elected official, has exclusive authority to either agree to comply with, or otherwise promulgate policies for the Sheriff’s Office. The Sheriff has acknowledged that the Sheriff agrees to comply with the County HIPAA policies and administrative procedures;

**NOW, THEREFORE, BE IT RESOLVED** that the Board hereby designates the County as a “hybrid entity,” pursuant to Section 164.103 and 164.105 of the HIPAA Security Regulations (the “Security Rule”).

**BE IT FURTHER RESOLVED** that the following County departments are hereby designated as part of the health care component of the County’s hybrid entity; (i) Livingston County Health Department (Personal Health Division but excluding the Environmental Health Division); (ii) Livingston County Emergency Medical Services Department; (iii) Livingston County Sheriff’s Office, Jail Division to the extent that it provides medical care services to inmates and transmits to and receives PHI to or from health providers; (iv) Livingston County Human Resources Department (Employee Health Benefits) to the extent that it operates the County self-funded health insurance; and (v) Livingston County Dispatch Center, to the extent that it transmits PHI to and receives PHI from Livingston County Emergency Medical Services Department.

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**BE IT FURTHER RESOLVED** that the following County department is also designated as part of the health care component of the County's hybrid entity, based upon the fact that they perform services for the departments listed in the above resolution and receive or have access to protected health information in the course of doing so: (i) the Information Technology Department.

**BE IT FURTHER RESOLVED** that all other County Departments or Divisions not otherwise specified or designated as health care components are hereby designated as non-health care components. Health care components are not free to exchange PHI with non-health care components unless such disclosure is permitted under the Privacy Rule. Some employees may perform both health care components and non-health care components as part of their job responsibilities. Any person who performs duties for both health care components and non-health care components must not use or disclose PHI in a way that would be impermissible under HIPAA.

**BE IT FURTHER RESOLVED** that the Board hereby approves implementation of the administrative policies and procedures which the County's Technology Committee has promulgated to comply with HIPAA requirements for hybrid entities.

**BE IT FURTHER RESOLVED** that the Board hereby directs all County Departments that have access to PHI to comply with such administrative policies within sixty (60) days.

**BE IT FURTHER RESOLVED** that the Board hereby acknowledges that the Sheriff has agreed to comply with such administrative policies within sixty (60) days.

**BE IT FURTHER RESOLVED** that the Board hereby appoints the Human Resources Director as the County Privacy Officer who shall be responsible to coordinate and assist Privacy Officials in any reviews or investigations, and provide direction to Security Officials, Privacy Officials and/or Departments/Office which have access to PHI.

**BE IT FURTHER RESOLVED** that the Board hereby appoints the Chief Information Officer as the County Security Officer who shall be responsible to coordinate, develop, approve and assist Security Officials in overseeing and monitoring the security of PHI and implementing policies, standards, and guidelines, including minimum requirements, that provide adequate information security for electronic PHI for all County HIPAA covered components, and responding to actual or suspected breaches in the confidentiality or integrity of PHI. Such policies, standards and guidelines shall not apply to non-HIPAA covered components. In addition, the Security Officer will provide direction to Security Officials and/or

Departments/Offices which have access to PHI in developing appropriate policies and procedures to comply with the HIPAA Security Rule

**BE IT FURTHER RESOLVED** that the Directors of Departments (or the elected official at the Sheriff's Office) which have access to PHI shall be deemed the Security Official for that Department/Office and shall be responsible for ensuring that HIPAA regulations and the County administrative procedures, are followed regarding the security, documentation, alteration, release and security of PHI. A Director/Elected Official may, by written delegation filed with the Security Officer and Privacy Officer, delegate the role of Security Official to another qualified management level employee of the Department/Office.

**BE IT FURTHER RESOLVED** that each Director of a Department (or the elected official at the Sheriff's Office) which has access to PHI shall either assume the role of Privacy Official for the Department/Office or designate a Privacy Official to be responsible for day-to-day HIPAA compliance and to respond to requests for program information or complaints. If Director/Elected Official designates another qualified management level employee as Privacy Official, such designation shall be provided in writing to the County Privacy Officer. If the Privacy Official concludes a reportable breach occurred, the Privacy Official shall inform the County Privacy Officer.

**BE IT FURTHER RESOLVED** that employees shall only access PHI in accordance with their specific job functions. Any employees who do not comply with the privacy policies or procedures or the HIPAA regulations may be subject to discipline.

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**MOVED: Commissioner Green**

**SECONDED: Commissioner Lawrence**

**CARRIED: 9-0-0 Roll call vote: Ayes: Green, Domas, VanHouten, Parker, Williams, Griffith, Dolan, Childs, Lawrence; Nays: None; Absent: None**