



Deschutes County Board of Commissioners
1300 NW Wall St., Suite 200, Bend, OR 97701-1960
(541) 388-6570 - Fax (541) 385-3202 - www.deschutes.org

AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of 4/22/15, 2015

DATE: 4/3/15

FROM: John Laherty  Legal Department (541) 330-4645

TITLE OF AGENDA ITEM:

Board's consideration of Order 2015-021, Declaring Deschutes County a Hybrid Entity for HIPAA Purposes, Identifying Health Care Components, Appointing Security Official and Privacy Official, and Directing the Adoption and Implementation of Applicable Policies.

PUBLIC HEARING ON THIS DATE? No

BACKGROUND AND POLICY IMPLICATIONS:

Currently, the entirety of Deschutes County government is a HIPAA "Covered Entity." This means that all County employees, whether they regularly access or use protected health information or not, must be HIPAA- trained and must comply with HIPAA privacy and security rules regarding the maintenance, use and disclosure of protected health information.

In order to reduce the number of County employees that are subject to HIPAA privacy and security rules, County's Legal Department recommends that the County adopt "Hybrid Entity" status under HIPAA. If the County becomes a Hybrid Entity, only those County departments/divisions that regularly maintain, disclose or use protected health information (the "Health Care Components") would be subject to HIPAA privacy and security rules. Those departments/divisions of County government that do not regularly maintain, use or disclose protected health information (the "Non-Health Care Components") would not be subject to those rules. An organizational chart and list showing the proposed Healthcare and Non-Healthcare components is attached hereto, as Exhibit "A".

It is anticipated that adopting Hybrid Entity status would make it easier for the County to (a) comply with HIPAA training requirements, (b) satisfy HIPAA rules relating to the privacy and security of protected health information, and (c) reduce the possibility of HIPAA breaches by County employees who do not regularly use protected health information and are, therefore, not familiar with HIPAA rules governing that information.

FISCAL IMPLICATIONS:

It is anticipated that adoption of Hybrid Entity status will reduce the County's HIPAA training costs.

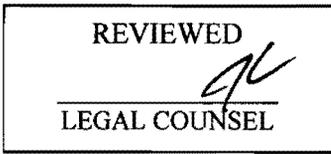
RECOMMENDATION & ACTION REQUESTED:

MOTION: Approve signature of Order 2015-02-1.

ATTENDANCE: John Laherty

DISTRIBUTION OF DOCUMENTS:

BOCC; Administration, Legal



For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

Order for County's Adoption of Hybrid Entity
Status for HIPAA Purposes

*
*
*

ORDER NO. 2015-021

WHEREAS, the 1996 Health Insurance Portability and Accountability Act (HIPAA) and its implementing regulations impose a variety of requirements on public entities to protect the privacy of individually identifiable health information; and

WHEREAS, while some departments and divisions of Deschutes County government (the "Health Care Components") regularly receive, create, maintain, use or share individually identifiable health information in the performance of their duties, other departments and divisions of Deschutes County government (the "Non-Health Care Components") do not; and

WHEREAS, the County has developed an organizational chart and list identifying the Health Care Components and Non-Health Care Components of Deschutes County government (Attachment A hereto); and

WHEREAS, it is in the best interest of Deschutes County that only the Health Care Components of Deschutes County government should be subject to HIPAA and its implementing regulations; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, HEREBY ORDERS as follows:

Section 1. Deschutes County is declared a "Hybrid Entity" for all purposes related to HIPAA and its implementing regulations;

Section 2. The various departments and divisions of Deschutes County government are identified as Health Care Components or Non-Health Care Components in accordance with the organizational chart and list attached hereto as "Attachment A," which chart and list may be revised from time to time upon order of this Board;

Section 3. Erik Kropp, Deputy County Administrator, shall continue to serve as the County's "Security Official" and "Privacy Official" for HIPAA purposes; and

Section 4: Mr. Kropp, as the County's Security Official and Privacy Official, shall develop and implement HIPAA-compliant policies for the Health Care Components of County government, and take such other steps as are reasonably necessary to effectuate and implement the terms of this Order.

Dated this _____ of _____, 2015

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DEBONE, Chair

ALAN UNGER, Vice Chair

ATTEST:

Recording Secretary

TAMMY BANEY, Commissioner

DESCHUTES COUNTY -- List of "Health Care Components" for HIPAA purposes

The following list identifies those specific departments and divisions of Deschutes County government identified as "Health Care Components" for HIPAA purposes. This list is intended to be used in conjunction with the chart entitled "Deschutes County Organizational Chart – HIPAA Hybrid Entity."

Board of County Commissioners

Community Justice – all divisions

County Administrator

County Sheriff -- Corrections division only

Deputy County Administrator

Health Services – all divisions

Information Technology – Technology and Web Applications divisions only

Internal Auditing

Legal Counsel and County Legal Dept.

Personnel – Health Benefits division only

Risk Management – all divisions

Veterans Services

Deschutes County Organizational Chart – HIPAA Hybrid Entity

