RESOLUTION NO. *010* -2004

A RESOLUTION RELATING TO THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 ("HIPAA") DESIGNATING KITSAP COUNTY AS A HYBRID ENTITY, APPOINTING A HIPAA COMPLIANCE OFFICER, AND DIRECTING DEPARTMENTS THAT HAVE ACCESS TO PROTECTED HEALTH INFORMATION ("PHI") TO COMPLY WITH "HIPAA" REQUIREMENTS

WHEREAS, in 1996, Congress adopted the Health Insurance Portability and Accountability Act (Pub. L. 104-191) ("HIPAA ") in order to improve the efficiency of the nation's health care system and protect the security and confidentiality of health information; and

WHEREAS, on August 14,2002 the United States Department of Health and Human Services published fmal regulations implementing requirements relation to privacy of individually identifiable health information, set out at 45 C.F .R. 160 and 45 C.F .R. subpart E (collectively the "HIP AA privacy regulations"); and

WHEREAS, Kitsap County has formed a HIPAA Task Force comprised of representatives from each department and office with operations that may be covered by HIPAA, and

WHEREAS, the HIPAA Task Force completed a survey and analysis to determine which Kitsap County operations are covered by HIPAA and has determined that County is a HYBRID Entity and has operations that meet the classification of "Small Health Plan" but none that fall into the classifications of "Covered Entity Provider" or "Clearinghouse", and

WHEREAS, HIPAA requires small health plans to comply with the applicable requirements of the HIP AA privacy regulations no later than April 14, 2004; and

WHEREAS, Kitsap County desires to appoint the Risk Manager as the HIPAA Compliance Officer to be the first point of contact and response for issues related to HIPAA that may be presented to Kitsap County by the Federal or State Government or complainants, and

WHEREAS, Kitsap County desires that the day-to-day administration of HIPAA compliance for covered County operations be assumed by department managers and/or their designated Privacy Officers;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS RESOLVES AS FOLLOWS:

1. The HIPAA Task Force will continue to monitor the County's efforts to comply with the requirements of HIPAA, and will meet at least semi-annually, and as needed, to review compliance and make recommendations to the HIP AA Compliance Officer and covered County "Health Plan" Privacy Officers.

2. The Risk Manager, Kitsap County HIP AA Compliance Officer will coordinate and cooperate with the Office of Civil Rights, other legal entities, and organization officers in any compliance reviews or investigations and will provide direction to departments and their Privacy Officers that have access to "Protected Health Information." The HIPAA Compliance Officer will identify the appropriate personnel to track issues to resolution and will cause to be written documentation of the actions taken to ameliorate any HIPAA violations. The HIP AA Compliance Officer will coordinate with the Kitsap County Training Coordinator to develop and ensure employee training in operations affected by HIP AA.

3. All public officers and department heads of Kitsap County covered operations will be responsible for ensuring that HIPAA regulations are followed concerning the protection, documentation, alteration, release and security of Protected Health Information. Each department that includes covered "Health Plans" shall designate a Department "Privacy Officer" to be responsible for day-to-day HIP AA compliance and respond to requests for program information and initial complaints. Complaints that cannot be resolved on the department level shall be documented in writing and forwarded timely to the Kitsap County HIPAA Compliance Officer for investigation and resolution.

4. Department Heads/Elected Officials of non-covered operations, which have access to Protected Health Information or are considered "Business Associates" of Health Plans or Health Providers, shall designate a Department or Division "Privacy Liaison" to ensure the privacy and security of "PHI" and respond to requests for information and initial complaints.

5. Employees will access **PHI** only in accordance with their specific job functions. Any employees who do not comply with the privacy policies and procedures of Kitsap County or the requirements of the regulations will be subject to disciplinary process as specified in the Kitsap County Personnel Manual.

DATED this 5th day of JAN, 2004

BOARD OF COMMISSIONERS
KITSAP COUNTY WASHINGTON

Patty Lent

Patty Lent, Chair

ATTEST:

NOT PRESENT

Chris Endresen, Commissioner

Opal Robertson

Opal Robertson
Clerk of the Board

Jan Angel

Jan Angel, Commissioner

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