



**COUNTY OF SAN BERNARDINO
STANDARD PRACTICE**

No. 14-03 SP 01

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EFFECTIVE DATE June 10, 2016

**POLICY: HIPAA POLICY
SP: Health Care Component Designation**

APPROVED
GREGORY C. DEVEREAUX
Chief Executive Officer

PURPOSE

To designate which departments are included in the Health Care Component (HCC) and ensure that all departments within the designated HCC of the County comply with the requirements of the Health Insurance Portability and Accountability Act (HIPAA).

DEPARTMENTS AFFECTED

All County agencies, departments, and Board-governed Special Districts that are determined to be covered by HIPAA.

DEFINITIONS

Business Associate: A person or organization that on behalf of a covered entity, other than a member of the covered entity's workforce creates, receives, maintains, or transmits Protected Health Information (PHI).

Compliance Oversight Committee: The Compliance Oversight Committee serves to safeguard confidential information maintained by the County of San Bernardino through collaborative compliance management, risk mitigation and opportunity management efforts. The Committee, comprised of delegates from County departments, divisions, and agencies is responsible for: examining and monitoring compliance with codes, regulations and requirements related to the protection of confidential information; monitoring the risk assessment of systems that contain sensitive and confidential information, including recommendations for mitigating areas of risk; the recommendation of policies and standard practices relating to the privacy and security of confidential information; and the implementation and oversight of compliance with County policies and standard practices related to confidential information. Committee delegates meet regularly to share security, risk and internal control knowledge to achieve best practices on countywide.

Covered Entity: A health plan, health care clearinghouse, or a health care provider who transmits any health information in electronic form in connection with a HIPAA covered transaction.

Health Care Component: County departments or programs that meet the definition of a Covered Entity or Internal Business Associate.

Health Insurance Portability and Accountability Act (HIPAA): A federal law designed to provide privacy and information security standards to protect patients' medical records and other health information provided to health plans, doctors, hospitals, and other health care providers (45 C.F.R. Parts 160 and 164).

Hybrid Entity: A single legal entity: (1) that is a Covered Entity; (2) whose business activities include both covered and non-covered functions; and (3) that designates Health Care Components.

Internal Business Associate: A County department or program that provides services to another County department or program covered by HIPAA that if it was a separate legal entity would fall within the definition of a Business Associate.

Privacy Rule: Establishes national standards to protect individuals' medical records and other personal health information and applies to health plans, health care clearinghouses, and those health care providers that conduct certain health care transactions electronically. The Rule requires appropriate safeguards to protect the privacy of personal health information, and sets limits and conditions on the uses and disclosures that may be made of such information without patient authorization. The Rule also gives patients rights over their health information, including rights to examine and obtain a copy of their health records, and to request corrections (45 C.F.R. Part 164 Subpart E).

Protected Health Information (PHI): Individually identifiable health information that is transmitted by, or maintained in, electronic media or any other form or medium (excludes individually identifiable health information in employment records held by the Covered Entity in its role as employer).

PROCEDURES

A. HCC Departments

The following departments are designated as part of the HCC:

1. Arrowhead Regional Medical Center
2. Auditor/Controller-Treasurer-Tax Collector – Central Collections
3. County Counsel
4. Department of Aging and Adult Services – Multipurpose Senior Services Program
5. Department of Behavioral Health
6. Department of Public Health
7. Human Resources - Employee Benefits and Services Division
8. Information Services Department
9. Human Services - Information Technology and Support Division
10. Risk Management

Departments designated as part of the HCC shall assign a representative to the County Compliance Oversight Committee. The representative shall participate regularly in the County Compliance Oversight Committee meetings.

Any department that is not designated above as part of the HCC, but at a later date falls within the definition of a Covered Entity or Internal Business Associate, shall be considered as part of the HCC and shall comply with the requirements of County Policy 14-03 and the related Standard Practices.

B. Use and Disclosure Restrictions

Departments within the HCC cannot disclose PHI to a non-HCC department of the County without appropriate authorization or as permitted by the Privacy Rule.

1. Non-HCC departments that create or receive PHI from an HCC department shall only use or disclose that information in a manner consistent with the Privacy Rule.
2. If an employee performs duties for both an HCC department and a non-HCC department, they shall only use or disclose PHI created or received in the course of their work with the HCC department in a manner consistent with the Privacy Rule.

LEAD DEPARTMENT

Human Resources