



RESOLUTION #13-18

HIPAA HYBRID ENTITY DESIGNATION

WHEREAS, the Health Information Technology for Economic and Clinical Health Act (The "HITECH Act") required certain amendments to the privacy, security, breach notification and enforcement rules of the Health Insurance Portability and Accountability Act ("HIPAA"); and

WHEREAS, said rule changes have been adopted by the U.S. Department of Health and Human Services, 45 CFR Parts 160 and 164; and

WHEREAS, the Health Insurance Portability and Accountability Act (HIPAA) and its implementing regulations apply to individuals and organizations designed in the law/regulations as covered entities. These covered entities include: (1) group health plans; (2) health care providers who conduct certain transactions electronically, including but not limited to transmission of health care claims, health care payments, enrollment in a health plan, and referral authorizations; and (3) health care clearinghouses. Although the City of Williamsburg as a whole does not primarily engage in these activities, the Fire Department performs functions which qualifies it as a covered health care provider under the HIPAA definition; and

WHEREAS, an organization such as the City of Williamsburg that has both covered entity departments and non-covered entity departments may choose to be designated as hybrid entities. In this case, the City must designate and include in its HIPAA "health care component" those departments of the City that would meet the definition of a covered entity if they were separate legal entities. In this case, although the City as a hybrid entity remains responsible for oversight, compliance and enforcement obligations, with such designation, the HIPAA requirements apply only to the health care component; and

WHEREAS, Council deems it appropriate to designate the City as a hybrid entity under HIPAA.

NOW THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF WILLIAMSBURG, VIRGINIA:

DESIGNATION OF HEALTH CARE COMPONENT

The City has designated the Fire Department as the department constituting its health care component as the Fire Department would meet the definition of a covered entity if it were a separate legal entity and performs covered functions or transactions under HIPAA as a health care provider due to their emergency medical operations.

The Office of the City Attorney and the Information Technology Departments also perform functions which would make these offices business associates if they were separate legal entities. The Office of the City Attorney is designated as such only to the extent that any protected health information (PHI) is disclosed in the course of providing legal advice and legal services to the Fire Department. The Information Technology Department also performs limited administrative support services for Fire Department electronic records containing PHI, and is designated as such for that limited purpose.

The City, through its Human Resources office, maintains employee health records in its capacity as an employer, which is excluded from the definition of PHI under HIPAA. Further, the City's Human Resources office maintains various employee health insurance records in its capacity as employer sponsor of the City's group health plan. The Human Resources office is not a City health care component. The group health plan offered to City employees is a separate legal entity covered by HIPAA, independent of the City. The plan currently includes medical, vision, and dental care, prescription drug benefit, and an employee assistance program. The plan has HIPAA compliance obligations separate and apart from the City and is not a health care component of the City.

Additionally, the Department of Human Services and the Police Department have or may have medical information contained in their records. Neither the Department of Human Service nor the Police Department would be considered a covered entity under HIPAA if they were separate legal entities and do not perform covered functions or transactions which would qualify these departments as health care providers or business associates under HIPAA or which would obligate either of these departments to adopt privacy rules or practices under HIPAA.

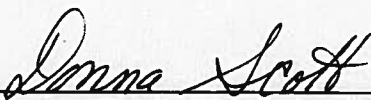
DESIGNATION OF PRIVACY AND SECURITY OFFICERS

The Fire Chief is designated as the Privacy Officer for the City's health care component.

NON-RETALIATION POLICY

The City, its health care component and personnel shall not intimidate, threaten, coerce, discriminate against or take other retaliatory action against anyone for exercising his/her right under the privacy regulations or participating in any process established by the privacy regulations; nor for filing a complaint, participating in an investigation or audit or review proceeding conducted by the City or a government agency under the privacy regulations, or opposing any act or practice made unlawful by the privacy regulations. Any individual who believes that some form of retaliation under the privacy regulations has occurred or is occurring should report such concern to the relevant privacy officer designated above. The privacy officer will then conduct an investigation and, if the retaliation is substantiated, will impose sanctions accordingly.

Adopted: December 12, 2013

Attest: 
Donna Scott, City Council Clerk


Clyde A. Haulman, Mayor

GREENWOOD COMMON COUNCIL

RESOLUTION NO. 13-10

**A RESOLUTION OF THE GREENWOOD COMMON COUNCIL DECLARING THE
CITY OF GREENWOOD, INDIANA A HYBRID ENTITY FOR PURPOSES OF HIPAA
AND HITECH**

WHEREAS, the federal government enacted the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and the Health Information Technology Economic and Clinical Health Act of 2009 ("HITECH") to protect patient health information;

WHEREAS, HIPAA and HITECH allow entities that perform covered and non-covered functions to designate themselves as Hybrid Entities

WHEREAS, a Hybrid Entity is defined as a single legal entity that performs both HIPAA covered and non-covered functions that designates health care components in accordance with 45 CFR § 164.504(c)(3)(iii);

WHEREAS, the City has determined that it performs both covered and non-covered functions;

WHEREAS, HIPAA standards must apply to health plans, health care clearing houses, and health care providers that transmit health information in an electronic format;

WHEREAS, Hybrid Entities must only apply HIPAA standards to designated health care components of the entity;

WHEREAS, in order to designate itself a Hybrid Entity, the City must designate and document components of the City that are health care components;

WHEREAS, health care components include components to the extent that they perform covered functions or activities that would make such component a business associate of a component that performs covered functions if the two (2) were separate legal entities;

WHEREAS, Title II of HIPAA sets forth policies, procedures, and guidelines for maintaining security of Protected Health Information ("PHI");

WHEREAS, the City will enact safeguards to prevent disclosure of PHI to another component of the covered entity where HIPAA would prohibit disclosure if the two were separate legal entities; and

WHEREAS, after thoughtful consideration the City believes it is in its best interest to declare itself a Hybrid Entity.

NOW, THEREFORE, BE IT RESOLVED BY THE GREENWOOD COMMON COUNCIL THAT:

Section 1. The City of Greenwood Common Council hereby designates the City a Hybrid Entity pursuant to 45 CFR § 164.103 and 164.105.

Section 2. The following are considered health care components of the City:

- The Human Resources in its function administering the City's health insurance benefits plans for medical, dental, vision, and health flexible spending plans only. This designation does not extend to the Human Resources Department's other functions, including, but not limited to, its administration of the City's workers' compensation and disability benefit programs, its personnel management, and its hiring and disciplinary duties.
- Office of Corporation Counsel in its function involving legal representation of the City's health insurance benefits plans for medical, dental, vision, and health flexible spending plans only and its representation of the Fire Department with respect to its provision of emergency medical services which, if provided external

to the City, would make it a business associate for HIPAA purposes. This designation does not extend to other legal work performed by Office of Corporation Counsel for the City.

- The Finance Division of the Controller's Office in its function involving the billing, payment, and administration of health insurance payments for medical, dental, vision, and health flexible spending plans only, which if provided external to the City, would make it a business associate for HIPAA purposes. This designation does not extend to other financial work performed by the Controller's Office, including, but not limited to, payments relating to the City's workers' compensation and disability benefit programs.
- The Fire Department with respect to its provision of emergency medical services only. This designation does not extend to other work performed by the Fire Department, including providing services as part of the City's workers' compensation program or fire response and investigatory activities.
- The Information Technology Department with respect to its duties relating to providing technology services for the City's health care benefit plans for medical, dental, vision and health flexible spending plans and the Fire Department's emergency medical services, which if provided external to the City, would make it a business associate for HIPAA purposes.
- The Deputy Mayor in his role as designee of the Board of Public Works and Safety as administrator of the City's health benefit plans.

Section 3. Designations of covered entities must be maintained for six (6) years following termination of a covered entity and indefinitely for ongoing covered entities.

Section 4. The City shall institute safeguards and policies to ensure that:

- Each designated health care component shall not disclose PHI to another non-health care component of the City in any circumstance in which HIPAA would prohibit such a disclosure if the health care component and non-health care component were separate and distinct legal entities.
- Designated health care components shall not use or disclose PHI that it creates or receives from or on behalf of the health care component in a way that is prohibited by HIPAA's privacy standard and shall comply with HIPAA's security standards.
- If an employee performs duties for both a health care component and non-health care component of the City, the employee shall not use or disclose PHI created or received in the course of or incident to his or her's work for the health care component in a way prohibited by the HIPAA privacy and security standards.





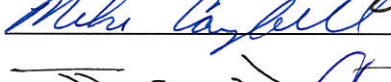

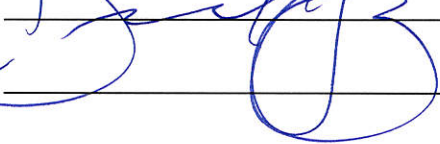
Remainder of the Page Intentionally Left Blank

Adopted by the Common Council of Greenwood, Indiana, this 17th day of June, 2013.

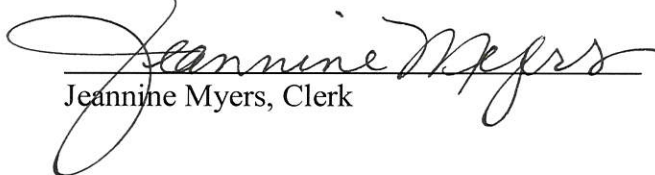

David Hopper, President
Greenwood Common Council

FOR:

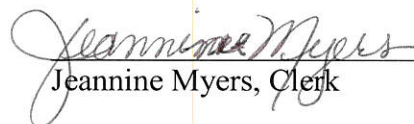
AGAINST:


ATTEST:


Jeannine Myers, Clerk

The foregoing Resolution passed by the Common Council of the City of Greenwood, Indiana, on the 17th day of June, 2013, is presented by me this 18th day of June, 2013, at 8:30 o'clock A.m. to the Mayor of the City of Greenwood.


Jeannine Myers, Clerk

The foregoing Resolution passed by the Common Council of the City of Greenwood, Indiana, on the 17th day of June, 2013, is signed and approved by me this 18th day of June, 2013, at 3:30 o'clock P.m. to the Mayor of the City of Greenwood.


MARK W. MYERS, Mayor of the
City of Greenwood, Indiana