



Agenda Date: 10/3/2006  
Agenda Placement: 6G

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Shelli Brobst for Randy Snowden - Director  
Health & Human Services  
**REPORT BY:** Shelli Brobst, Contracts Analyst, 253-4720  
**SUBJECT:** Business Associate Agreement with Alternatives for Better Living, Inc.

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### **RECOMMENDATION**

Director of Health and Human Services requests approval of and authorization for the Chair to sign a Business Associate Agreement with Alternatives for Better Living, Inc., defining the County's respective roles and responsibilities regarding the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

### **EXECUTIVE SUMMARY**

This Business Associate Agreement is required to describe the relationship between the County's Health and Human Services Agency (as the Business Associate) and Alternatives for Better Living, Inc. (as the Covered Entity) with respect to the collection and submission of data reported to the State Department of Alcohol and Drug Programs.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

Effective January 1, 2006, organizations providing substance abuse treatment services in California must collect and report client data under the California Outcome Measurement System Project (CalOMS) in order to ensure continued federal funding. This requirement applies to both county-operated alcohol and drug programs and contractor-operated programs. The Napa County Information Technology Services Department developed a software system to comply with this requirement. The software system will allow for data to be collected by counselors working with clients and reported to the State Department of Alcohol and Drug Programs (ADP). Provider agencies working under contract with the County are expected to submit their data through the County.

Alternatives for Better Living (Alternatives) operates substance abuse treatment programs under contract with Napa County and directly through ADP. Alternatives will collect data for services provided to County clients and report that data through the County's CalOMS. In turn, Napa County will review the data for errors and submit data to the State according to prescribed timelines.

As a covered entity subject to the Health Insurance Portability and Accountability Act (HIPAA), Alternatives is required to enter into a HIPAA Business Associate Agreement with any entity that performs a service on its behalf involving protected health information subject to HIPAA. Since the County will be reporting Alternatives' data to the State, the County therefore performs a service for Alternatives. This Business Associate Agreement describes the relationship between HHS and Alternatives for Better Living as it relates to the use of the County's CalOMS system. In this agreement, the County is the Business Associate and Alternatives is the Covered Entity.

Napa County Health and Human Services Agency already has a Business Associate Agreement on file with Alternatives for Better Living in which Alternatives is the "Business Associate." That agreement is applicable to the services performed by Alternatives as the business associate of the County, a HIPAA-covered entity.

### **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Lorenzo Zialcita