



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 11/26/2013

Agenda Placement: 7A

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Bret Prebula for LENARD VARE - Director
Corrections

REPORT BY: Bret Prebula, STAFF SERVICES MANAGER - 707-253-4342

SUBJECT: Approval of Business Associate Agreement with the County Medical Services Program (CMSP)
Governing Board

RECOMMENDATION

Director of Corrections requests approval of and authorization for the Chairman to sign a Business Associate Agreement with the County Medical Services Program (CMSP) Governing Board for the term July 1, 2013 through June 30, 2014 to provide Health Insurance Portability and Accountability Act (HIPAA) guidelines related to the Certified Public Expenditure (CPE) agreement the County currently maintains with the CMSP Governing Board.

EXECUTIVE SUMMARY

On June 25, 2013, your Board approved a Certified Public Expenditure (CPE) agreement with the County Medical Services Program (CMSP) Governing Board. The agreement allowed for coordination with the CMSP Governing Board to assist the Department in the administrative process related to federal Medicaid funding for eligible County jail inmate inpatient hospitalization costs.

The recommended action before you today is an essential addendum to the above referenced agreement. On September 10, 2013, the CMSP Governing Board, through the Business Associate agreement, has amended the agreement's requirements due to potential HIPAA concerns. The supplemental agreement serves to clarify rules, roles, and responsibilities pertaining to information management by the CMSP Governing Board for compliance eligibility to receive Federal Medicaid funding. Additionally, the Business Associate agreement outlines the HIPAA implications associated with transferring such information. Some of the information the County may need to transmit to the CMSP Governing Board, in order to obtain Federal Medicaid funding, may be protected under HIPAA or similar regulations. The CMSP Governing Board revised the terms of the agreement through this supplemental agreement to require any entity that entered into a CPE agreement to also enter into the supplemental Business Associate agreement. Failure to enter into the

supplemental agreement will result in termination of the CPE agreement. The term length of the Business Associate agreement matches that of the CPE agreement, thus both will expire on June 30, 2014.

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

On June 25, 2013, your Board approved a Certified Public Expenditure (CPE) agreement with the County Medical Services Program (CMSP) Governing Board. This agreement allowed for coordination with the CMSP Governing Board through which the CPE agreement will assist the County with the administrative process related to federal Medicaid funding for eligible County jail inmate inpatient hospitalization costs.

On September 10, 2013, the CMSP Governing Board sent communication to all CPE agreement holders alerting them an additional Business Associate agreement would be required to finalize the administrative relationship between the CMSP Governing Board and the agreement holders. The Business Associate agreement was focused on the possible HIPPA and other related regulations surrounding the transfer of protected information. Since some of the information the County may need to transmit to the CMSP Governing Board may be protected under HIPPA and/or related regulations, the CMSP Governing Board is requiring each entity that entered into the CPE agreement to enter into the updated Business Associate agreement. The Business Associate agreement has the same term as the CPE agreement (July 1, 2013 through June 30, 2014). The CMSP Governing Board is requiring entities to complete both agreements, thus if the County does not enter into the Business Associate agreement, the CPE agreement will be terminated.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Liz Habkirk