



Agenda Date: 4/18/2006  
Agenda Placement: 6K

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Cheri Huber for Robert Westmeyer - County Counsel  
County Counsel  
**REPORT BY:** Brandi Periera, Paralegal, 251-1090  
**SUBJECT:** Amendments to Business Associate Agreements

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### **RECOMMENDATION**

County Counsel and County Privacy Officer request approval of and authorization for the Chair to sign Amendment No. 1 to the following Business Associate Agreements adding the Security Rule to the terms and conditions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule:

1. Agreement No. 4982 with Daniel Garcia, LCSW;
2. Agreement No. 4994 with Thomas Jackson, MD;
3. Agreement No. 5001 with Locumtenens.com;
4. Agreement No. 5015 with Napa Valley Aids Project;
5. Agreement No. 5016 with Napa Valley Support Services;
6. Agreement No. 5023 with P.R. Resources, Inc. dba Medsource Consultants;
7. Agreement No. 5038 with Teletask, Inc.;
8. Agreement No. 5042 Victor Treatment Centers, Inc.;
9. Agreement No. 5043 with Vinita Wadhvani, MD;
10. Agreement No. 5082 with Andre Zunino dba Solution Computing;
11. Agreement No. 6111 with Denise L. Layten, MFT;
12. Agreement No. 6128 with Interpreting and Consulting Services;
13. Agreement No. 6321-1 with Frieda Weinstein, MFT; and
14. Agreement No. 6337-1 with Cathy F. Hughes, MFT.

### **EXECUTIVE SUMMARY**

The Amendments will add provisions required by the HIPAA Security Rule to 14 of the existing Business Associate Agreements with Health and Human Services contractors.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

There is no Environmental Impact for this item.

**BACKGROUND AND DISCUSSION**

The 1996 Health Insurance and Portability and Accountability Act (HIPAA) includes Title II, "Administrative Simplification", which is intended to improve efficiency in healthcare delivery by standardizing electronic data interchange and security of health data. The portion known as the HIPAA Privacy Rule, which was effective April 14, 2003, sets forth the requirements for the protection of confidentiality of individually identifiable health information. The Privacy Rule specifically required that the County, as a HIPAA covered entity, enter into Business Associate Agreements with all contractors and vendors who perform a service on behalf of the County involving the use of protected health information. Each of the Agreements sets forth the business associate's duty to maintain the County's protected health information in compliance with the Privacy Rule.

The HIPAA Security Rule, which was effective April 21, 2005, sets forth the additional requirements for covered entities to safeguard the confidentiality, integrity and availability of electronic protected health information by implementing security standards. One such standard requires HIPAA Business Associate Agreements to include provisions to set forth the business associate's duty with respect to said electronic protected health information.

In compliance with the HIPAA Privacy Rule the County entered into approximately 130 Business Associate Agreements prior to the April 21, 2005 effective date of the HIPAA Security Rule which necessitated amending the original Agreements. The Amendments were delivered to all contractors with which a Business Associate Agreements were in effect well in advance of April 21, 2005, and most were timely returned and presented to the Board on April 19, 2005. Follow up efforts eventually resulted in the remaining 14 Amendments that are the subject of this agenda item being returned piecemeal over the past year and are now being presented for approval.

**SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Maiko Klieman