



Agenda Date: 4/19/2005
Agenda Placement: 6L

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Margaret Woodbury for Robert Westmeyer - County Counsel
County Counsel
REPORT BY: Cheri Huber, County Privacy Officer , 253-4523
SUBJECT: Amendments to Business Associate Agreements

RECOMMENDATION

County Counsel and County Privacy Officer request approval of and authorization for the Chair to sign amendments to the 114 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.

EXECUTIVE SUMMARY

If approved, the Amendments will add provisions required by the HIPAA Security Rule to 114 of the existing Business Associate Agreements with Health and Human Services contractors. The 114 affected vendors are named in the attached list.

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 requires improved 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, with which compliance is required by April 21, 2005, sets forth the additional requirements for covered entities to protect 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.

SUPPORTING DOCUMENTS

A . List of Amendments

CEO Recommendation: Approve

Reviewed By: Lorenzo Ziálcita