

**County of Riverside, California  
Board of Supervisors Policy**

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<b>HEALTH INFORMATION PRIVACY AND SECURITY POLICY</b>	<b>B-23</b>	<b>1 of 5</b>

**Policy:**

The County is a single legal entity comprised of multiple departments, some of which create, access, use, store, process or transmit identifiable health information about patients that is protected by state and federal laws. The County has designated certain departments and functions as a “hybrid entity” under the Health Insurance Portability and Accountability Act (HIPAA) regulations and established this policy to ensure that each component of the hybrid entity complies with the applicable Privacy and Information Security requirements of HIPAA and California privacy medical laws.

The County’s hybrid departments shall safeguard the privacy, security and integrity of both electronic and non-electronic protected health information they create, access, use, store, process and/or transmit. Each department will:

- Keep individually identifiable health information private, secure and safe from accidental or malicious attempts to disclose or destroy it;
- Provide notice of the County’s legal duties and privacy practices with respect to health information;
- Follow the terms of the County notice of Privacy Practices currently in effect; and
- With respect to any breach of unsecured protected health information, notify the affected individuals, the Secretary of the United States Department of Health and Human Services, the California Department of Public Health and prominent media outlets, as applicable.

**A. HIPAA Compliance Council**

County Departments designated as part of the hybrid shall assign a representative to the HIPAA Compliance Council (HCC) and require that representative to regularly attend and participate in HCC meetings. County Departments subject to California privacy laws shall be invited to participate in HCC and attend regularly scheduled meetings. The HCC is responsible for:

1. Formal coordination of health information privacy and security activities among hybrid Departments;
2. Reviewing and recommending to the Board of Supervisors County level policies and procedures regarding the privacy, security and integrity of protected health information;
3. Implementation and oversight of compliance with County policies and procedures related to protected health information; and
4. Reviewing and approving training methods and the content of Department specific Privacy and Health Information Security training.

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**B. Hybrid and Key Role Designations**

The Board of Supervisors may from time to time consider the particular Departments and functions included within the “hybrid” entity and change that designation as changes in the structure or activities of departments dictate. See Addendum. At least annually HCC will consider the current designation and recommend to the Board of Supervisors any changes it deems necessary.

The Assistant County Executive Officer of Health Systems shall designate a County HIPAA Privacy Official and a County Health Information Security Official.

Each Department in the hybrid shall appoint a Privacy Officer for that Department to fulfill for that Department the functions of a County-wide description of those responsibilities. The Department Privacy Officer shall serve as the Department’s HCC representative.

**C. Departmental Responsibility**

Each Department in the hybrid entity shall ensure compliance with the applicable HIPAA Privacy and Security requirements and state medical privacy laws within its scope of operations. Each hybrid Department shall present periodic compliance reports at HCC.

**D. Complaints and Inquiries**

Any individual may direct inquiries and complaints regarding health privacy or security issues to the Privacy Officer within each hybrid department or to the County HIPAA Privacy Official.

Department Privacy Offices will coordinate responses to such inquiries and complaints with the County HIPAA Privacy Official.

Under no circumstances will the County allow or enable retaliation or reprisal against Individuals who file such complaints.

**E. Workforce Training**

Privacy and Information Security training shall be mandatory for workforce members of all Departments within the hybrid within 60 days of hire and annually thereafter. Evidence of training records must be retained for a minimum of six (6) years.

**F. Notice of Privacy Practices**

In accordance with federal law, the County will provide a copy of the notice in Attachment 1 outlining this policy to each individual receiving health care and related services from the County, and to participants in certain health plans administered or operated by the County. Where applicable, the County will make a good faith effort to obtain completed

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acknowledgements of receipt of this notice from each client or patient, and if not obtained, document its good faith efforts to obtain such acknowledgement and the reason why the acknowledgement was not obtained. This notice and acknowledgement may be amended as needed with the approval of the County Counsel and the Executive Officer, and amended copies provided thereafter upon request.

**G. Uses and Disclosures - General**

Generally, except as otherwise specified below, the County's hybrid departments may use and disclose health information, as allowed under state and federal law:

1. For treatment;
2. For payment;
3. For health care operations;
4. For health plan administration, except for genetic information which by law the County health plan may not use or disclose for underwriting purposes; and
5. For fundraising for its own benefit, provided that legal requirements are satisfied.

**H. Uses and Disclosures Generally Requiring Authorization**

Unless an exception applies under state and/or federal law, the County may use and disclose health information as follows only with a valid authorization:

1. From mental health records and psychotherapy notes;
2. From or pertaining to some substance abuse treatment programs; and
3. For marketing.

**I. Uses and Disclosures Requiring an Opportunity to Agree or Object**

In certain cases, the County may use and disclose health information as follows only if it informs individuals in advance and provides them the opportunity to agree or object, as allowed under state and federal law:

1. For facility directories;
2. To individuals involved in the individual's health care or payment for health care; and
3. To assist in disaster relief efforts.

**J. Uses and Disclosures NOT Requiring Authorization or an Opportunity to Agree or Object**

In specific cases, the County may use and disclose health information without the individual's authorization and without providing an opportunity to agree or object:

1. As required by law;
2. For public health activities;

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3. To report victims of abuse, neglect or domestic violence;
4. For health oversight activities;
5. To the minimum extent necessary to comply with judicial and administrative proceedings when compelled by an order of a court or administrative tribunal, or in response to a subpoena, discovery request or other lawful process as allowed by law;
6. For law enforcement purposes;
7. To coroners, medical examiners and funeral directors;
8. Regarding a deceased person for organ, eye or tissue donation and transplantation;
9. For research purposes in compliance with required conditions approved by an institutional review board;
10. To avert serious threats to health and safety;
11. On armed forces and foreign military personnel for activities deemed necessary by appropriate military command authorities to assure proper execution of a military mission;
12. To determine eligibility for or entitlement to veterans benefits;
13. To authorized federal officials for the conduct of lawful intelligence, counter-intelligence, and other national security activities;
14. To authorized federal officials to provide protection to the President, other authorized persons, or foreign heads of state, or to investigate threats against the President or other authorized persons;
15. To correctional institutions and other law enforcement custodial situations;
16. To determine eligibility for or enrollment in a government health plan program, or to coordinate and improve administration of benefits for such government plans; and
17. To the minimum extent necessary to comply with workers' compensation laws or similar programs providing benefits for work-related injuries or illnesses.

The County will not disclose individuals' health information to outside parties for any other reasons not covered by this policy without prior written authorization.

**K. Rights and Responsibilities**

With regard to health information, the County recognizes and commits to safeguard each individual's:

1. Right to request restrictions on certain uses and disclosures, including respecting an individual's right to restrict disclosure to a health plan health information pertaining to a health care item or service paid in full by the individual, or a person other than the health plan on behalf of the individual;
2. Right to confidential communications;
3. Right to limit communications by making prior payment arrangements;
4. Right to request to inspect and copy records;

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5. Right to request amendments of their health records;
6. Right to an accounting of certain disclosures;
7. Right to obtain a paper copy of the required notice of privacy practices upon request; and
8. Right to file complaints without fear of retaliation.

**L. Business Associates**

The County engages and partners with a variety of vendors who perform functions on behalf of the County. The County may share or disclose protected health care information to such parties for the purposes outlined above. In such instances, the County requires those entities to agree to abide by all applicable laws and regulations, this policy, and the terms of the County's business associate agreement substantially as shown in Attachment 2 3 of this policy. The terms of this business associate agreement may be amended from time to time with the approval of County Counsel and the Executive Officer. This policy authorizes the County Purchasing Agent to execute on behalf of the Board of Supervisors business associate agreements conforming to Attachment 2 of this policy as necessary to bring existing underlying agreements into compliance with this policy.

**M. Effective Date**

This policy took initial effect on April 14, 2003.

**References:**

Minute Order 3.26 of 03/18/03  
Minute Order 3.4 of 05/03/05  
Minute Order 3.4 of 04/10/07  
Minute Order 3.4 of 12/14/10  
Minute Order 3.98 of 09/10/13  
Minute Order 3-59 of 06/21/16  
Minute Order 3-8 of 05/21/19

**Attachments:**

Attachment 1.A – Notice of Privacy Practices – English  
Attachment 1.B – Notice of Privacy Practices – Spanish  
Attachment 2 – Business Associate Agreement Template  
Attachment 3 – Hybrid Entity Composition