

WHEREAS, Congress adopted the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Health Information Technology for Economic and Clinical Health (HITECH) Act, both of which authorized the Secretary of the U.S. Department of Health and Human Services to promulgate rules regarding the privacy of certain health information, known as Personal Health Information (PHI); and

WHEREAS, the Secretary has adopted such privacy rules (located at 45 Code of Federal Regulations, Part 160, known as "the HIPAA Privacy Rules") that apply to health plans, health care clearinghouses, and health care providers who engage in electronic transactions for which the Secretary has adopted standards under HIPAA and HITECH; and

WHEREAS, upon review of the County's activities, the HIPAA Privacy Rules apply to certain county programs and functions, resulting in the County's designation as a "covered entity;" and

WHEREAS, the Privacy Rules allows a covered entity with business activities that include both "covered" and "non-covered" programs and functions to designate itself a "hybrid entity", resulting in the application of the Privacy Rules' requirements to only covered components of the hybrid entity; and

WHEREAS, the County desires to designate itself as a hybrid entity pursuant to the Privacy Rules and name the following departments as "health care components" of the county:

- Human Resources Department
- County Auditor
- County Treasurer
- County Attorney's Office
- The Commissioners Court Of Counsel Office
- Information Technology Services Department
- County Emergency Medical Services (EMS)
- Juvenile Services
- Sheriff's Office Corrections Bureau
- Veteran's Services
- Any other County Agency, to the extent that they provide services that may involve access, use or disclosure of individually identifiable health information to entities, programs and departments that are required to comply with HIPAA.

WHEREAS, the County's employee self-funded group health plans are "covered entities", separate and distinct from the County as plan sponsor, per HIPAA standards; and

WHEREAS, in order to be permitted to receive PHI from a group health plan, Privacy Rules require the plan sponsor to amend the plan documents of the group health plan to establish the permitted and required uses and disclosures of PHI by the plan sponsor; and

WHEREAS, the plan sponsor is required to provide the group health plan with written certification that such amendments have been made to the plan documents of the group health plan; and

WHEREAS, the County previously amended its group health plans in accordance with the HIPAA Privacy Rules and provided those plans with the necessary certification of such amendments; and

WHEREAS, the Privacy Rules require all covered entities to adopt certain policies and procedures regarding the protection of PHI from unauthorized disclosure; and

WHEREAS, a set of policies and procedures has been prepared for that purpose; and

WHEREAS, the Privacy Rules require a covered entity to designate a Privacy Officer responsible for the development and implementation of the HIPAA privacy policies and procedures of the entity; and

WHEREAS, the Privacy Rules require a covered entity to designate a Contact Person responsible for receiving complaints about the County's violation of the rules, and responsible for providing further information regarding any Notice of Privacy Practices required to be disseminated by the entity; and

WHEREAS, the County has designated the Senior Director, Human Resources Department, and the Assistant to the Director of County EMS to serve as both Privacy Officials and Contact Persons for the County.

NOW THEREFORE, BE IT RESOLVED that the Williamson County Commissioners Court does hereby designate the County as a "hybrid entity" pursuant to 45 CFR §164.504.

BE IT FURTHER RESOLVED that the following programs and departments are designated "health care components" of the County pursuant to 45 CFR §164.504:

- Human Resources Department
- County Auditor
- County Treasurer
- County Attorney's Office
- The Commissioners Court Of Counsel Office
- Information Technology Services Department
- County Emergency Medical Services (EMS)
- Juvenile Services
- Sheriff's Office Corrections Bureau
- Veteran's Services
- Any other County Agency (Refer to Above)

BE IT FURTHER RESOLVED that the Commissioners Court does hereby adopt the resolution pursuant to 45 CPR §164.530, to be applicable to all health care components of the County and to the County's employee self-funded group health plans, effective October 1, 2019.

DONE IN OPEN COURT this the 20th day of August, 2019.

Designation of Privacy and Security Officials:

Privacy Official for Health Plan – Rebecca Clemons
Contact Person for Health Plan – Rebecca Clemons

Privacy Official for EMS – Theresia Carter
Contact Person for EMS – Theresia Carter

Security Official – Richard Semple