

**RESOLUTION NO. 2023-\_\_\_\_\_**

**A RESOLUTION OF THE YOLO COUNTY BOARD OF SUPERVISORS DESIGNATING  
YOLO COUNTY AS A HYBRID ENTITY UNDER HIPAA**

**WHEREAS**, the Health Insurance Portability and Accountability Act (HIPAA) is a Federal Law requiring County conformance to certain rules in the areas of Privacy, Security and Transactions and Code Sets (TCS) and HiTECH ACT; and

**WHEREAS**, failure to comply with HIPAA leaves the County open to federal sanctions for non-compliance with the potential of being unable to provide health care related services or to submit health care related claims for reimbursement; and

**WHEREAS**, Yolo County furnishes healthcare services covered under HIPAA and is thus considered a covered entity; and

**WHEREAS**, HIPAA regulations allow for covered entities to be designated as a hybrid entity in order to distinguish “covered” and “non-covered” healthcare components; and

**WHEREAS**, while non-hybrid entities must subject all their services to regulations under HIPAA, hybrid entities may designate components such as departments or programs that do not furnish services subject to HIPAA regulations so that those components do not have to be unnecessarily burdened by restrictions under HIPAA; and

**WHEREAS**, these designated components may still be subject to other privacy and security regulations; and

**WHEREAS**, if the County as a whole does not designate itself as a hybrid entity, and then distinguishes which of its services and programs are covered healthcare components, all County functions will be subject to the HIPAA Privacy Rules; and

**WHEREAS**, such a result would cause the County to undertake much greater HIPAA implementation efforts at increased cost and be at a greater risk of liability for violations of the HIPAA rules, with no perceivable benefit; and

**WHEREAS**, beginning in November of 2021, the Yolo County Health and Human Services Agency (HHSA) analyzed its full array of programs to determine which programs furnished protected services under HIPAA; and

**WHEREAS**, this analysis was accomplished through surveys of program management staff, included herein as Exhibit A, key informant interviews and determinations by subject matter experts; and

**WHEREAS**, County programs that met the requirements for covered healthcare services under HIPAA, included herein as Exhibit B and incorporated by this reference, shall be designated as part of Yolo County’s covered component; and

**WHEREAS**, to the extent the policies or practices of any department are modified from the present understanding, or to the extent law or regulations change, it will likely be necessary to bring forward revisions to these designations; and

**WHEREAS**, these designations constitute what the County Administrator’s Office (CAO), HHSa and County Counsel believe to be the appropriate designations for HHSa during this initial phase of the ongoing effort to ensure County compliance with its HIPAA obligations.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Yolo County Board of Supervisors as follows:

1. Designate the County of Yolo as a “Hybrid Entity” under HIPAA, with one “Health Care Component” comprised of departments and programs that meet the requirements for covered healthcare services under HIPAA.
2. Authorize the first phase of a countywide determination of covered healthcare services to be included in the Health Care Component, specifically pertaining to programs within the Health and Human Services Agency and as set out in Exhibit B.

**PASSED AND ADOPTED** by the Yolo County Board of Supervisors at a regular meeting on March 7, 2023 by the following vote:

AYES:  
NOES:  
ABSENTIONS:  
ABSENT:

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Oscar Villegas, Chair  
Yolo County Board of Supervisors

Attest:  
Julie Dachtler, Senior Deputy Clerk  
Board of Supervisors

By \_\_\_\_\_  
Deputy (Seal)

Approved as to Form:  
Philip J. Pogledich, County Counsel

By Hope P. Welton  
Hope P. Welton, Senior Deputy