

RESOLUTION

A RESOLUTION TO DECLARE THE COUNTY OF JAMES CITY A HYBRID ENTITY

FOR PURPOSES OF HIPAA AND IDENTIFYING ITS HEALTH CARE COMPONENTS

WHEREAS, James City County and the James City County Board of Supervisors are committed to compliance with all applicable laws and regulations relating to data privacy and security including, but not limited to, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and regulations promulgated thereunder by the U.S. Department of Health and Human Services (HIPAA Regulations); and

WHEREAS, the County is a covered entity for purposes of HIPAA because its Fire Department and Emergency Communications transmit protected health information (PHI) electronically for billing purposes, and County Administration, the Fire Department, Emergency Communications, the Human Resources Department, James City County Attorney's Office, James City Service Authority, Olde Towne Medical & Dental Center and the James City County Information Technology Department have access to this protected health information; and

WHEREAS, HIPAA Regulations allow for the designation of hybrid entities in order to segregate those portions of the County that perform covered entity functions from those that only perform non-covered entity functions; and

WHEREAS, such hybrid entity designation will simplify the County's compliance with HIPAA Regulations as only County Administration, the Fire Department, Emergency Communications, the Human Resources Department, James City County Attorney's Office, James City Service Authority, Olde Towne Medical & Dental Center and the James City County Information Technology Department will need to comply with the most complicated requirements; and

WHEREAS, the above-referenced departments can be adequately separated from the County's non-health care components for purposes of protecting PHI.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby designates the County as a hybrid entity under HIPAA, pursuant to 45 CFR § 164.105.


BE IT FURTHER RESOLVED that the following are hereby designated as the health care components of the County's hybrid entity: County Administration, the Fire Department, Emergency Communications, the Human Resources Department, James City County Attorney's Office, James City Service Authority, Olde Towne Medical & Dental Center and the James City County Information Technology Department.

BE IT FURTHER RESOLVED that the County shall ensure that County Administration, the Fire Department, Emergency Communications, the Human Resources Department, James City County Attorney's Office, James City Service Authority, Olde Towne Medical & Dental

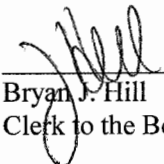
Center and the James City County Information Technology Department comply with HIPAA and all HIPAA Regulations applicable to any covered entity.

BE IT FURTHER RESOLVED that all other County departments or divisions not otherwise specified or designated as health care components are hereby designated as non-health care components. Health care components are not free to exchange PHI with non-health care components unless such disclosure is permitted under the Privacy Rule. Any person who performs duties for both health care components and non-health care components must not use or disclose PHI in a way that would be impermissible under HIPAA.

BE IT FURTHER RESOLVED that the County understands that this hybrid entity designation does not relieve the County of all obligations under HIPAA, as certain oversight, compliance and enforcement obligations remain.


Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:


Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ONIZUK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of January, 2016.

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