



GASTON COUNTY

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MEMORANDUM

TO: Donna Buff, Clerk to the Gaston County Board of Commissioners

FROM: Earl Mathers, County Manager; Sam Shames, Asst. County Attorney

DATE: October 1, 2018

Resolution Number: 2003-104, Amendment 1

RE: UPDATED HIPAA POLICY; 2003-104

Gaston County is revising the HIPAA policies found in Gaston County Resolution 2003-104. Pursuant to authority in Policy 01-010, the Privacy Official (now referred to as the Compliance Officer, designated as the Assistant County Attorney) has authority to modify such policy. Such designation enables Staff to administratively amend the policies described herein, absent approval by the Gaston County Board of Commissioners.

Except as established herein, the October 2018 HIPAA Policy revisions are intended to supersede Gaston County Resolution 2003-104. In particular, documents within the Resolution including the 2003 HIPAA Manual, associated Information Technology Security Policies (ITSP), HIPAA forms, the HIPAA Glossary, and the Analysis of the HIPAA Privacy Rule and Selected North Carolina Statutes are superseded by the enclosed October 2018 HIPAA Policy. As described in the October 2018 Policy, Gaston County remains a hybrid entity.

The enabling Resolution and the HIPAA Executive Summary, both found in Resolution 2003-104 are not intended to be superseded, and are also attached, with the distinction that the title of Privacy Officer no longer exist. The October 2018 HIPAA Policy designates the Assistant County Attorney as the Compliance Officer, responsible for overall compliance with HIPAA. The title of "Privacy Officer" was changed to "Privacy Official". The Director of the Division of Health, Department of Health and Human Services is designated as the Privacy Official, responsible for the development and implementation of policies and procedures relating to HIPAA.



County of Gaston

State of North Carolina

RESOLUTION TITLE: HEALTH DEPARTMENT – REQUEST FOR APPROVAL OF POLICIES AND PROCEDURES FOR IMPLEMENTATION OF HIPAA

WHEREAS, HIPAA (Health Insurance Portability Accountability Act of 1996) is a federal mandated law which addresses privacy and confidentiality of health information; and,

WHEREAS, HIPAA mandates privacy requirements for individual protected health information regarding the electronic transfer and storage of said information; and

WHEREAS, Gaston County has several departments that provide medical services and must be in compliance with HIPAA; and,

WHEREAS, other Gaston County departments do not provide health care services; however, they have access to the information which will be covered by HIPAA regulations; and,

WHEREAS, Gaston County has been determined as a hybrid entity since some provide medical services and others do not; and,

WHEREAS, The HIPAA Compliance Committee has prepared policies and procedures in accordance with the statutory requirements for implementation by County departments; and,

WHEREAS, the Interim Assistant County Manager is the Gaston County HIPAA Compliance Officer and will assure compliance by all departments.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners approves the HIPAA policies and procedures, which have been prepared by the HIPAA Compliance Committee, for implementation within Gaston County Departments, and commends the HIPAA Compliance Committee for exemplary service in the preparation of these policies and procedures.

DO NOT WRITE BELOW THIS LINE

RESOL NO	DATE	M1	M2	CARPENTER	FLOYD	KEIGHER	LOFTIS	PRICE	TORBETT	WRIGHT	VOTE
2003-104	3/27/2003	DL	MP								U

DISTRIBUTION: Bill Beasley, Interim Co. Manager; Marie McFarland, Health; Ron Courtney, Finance; Eddie Isenhour, Budget/Purchasing

Board Action

NO	TITLE OF RESOLUTION	DATE	M	1	M	2	CAPRENTER	FLOYD	KEIGHER	LOFTIS	PRICE	TORBETT	WRIGHT	VOTE
2003-104	Request for Approval of Policies & Procedures for Implementation of HIPPA - Health	3/27/2003	DL	MP										U

DISTRIBUTION

Bill Beasley, Interim Co. Manager; Marie McFarland, Health; Ron Courtney, Finance; Eddie Isenhour, Budget/Purchasing

Jan Winters, County Manager

**HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996
(HIPAA)
EXECUTIVE SUMMARY**

On January 3, 1996, the Congress of the United States of America passed H.R. 3103, Health Insurance Portability and Accountability Act of 1996, or HIPAA.

The purpose of this bill was to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance, and for other purposes.

There are five titles of this law, but only two directly affect county agencies:

Title I – Portability

Title II – Administrative Simplifications which include Privacy and Confidentiality, Electronic Health Transactions Standards, Security and Electronic Signature, and Unique Identifiers

PORTABILITY:

All standards or requirements are addressed by the Gaston County Human Resources Department.

ADMINISTRATIVE SIMPLIFICATION:

- 1. Privacy and Confidentiality:** Requires covered entities to assure confidentiality of all personal health information both within the department and with Business Associates, Organized Health Care Arrangements, and others if information is shared.

In order to meet compliance each covered entity must: identify a privacy officer; review and update policies and procedures, modify contracts, train staff, and post a Notice of Privacy.

The Notice of Privacy informs patients of their rights including: The right to review, copy, and request changes to their medical records; right to know when and to whom disclosures are made; right to limit disclosures; and right to make complaints to health department, county, and the Office of Civil Rights. **Compliance Date - April 14, 2003**

EXECUTIVE SUMMARY

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA)

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- 2. Electronic Health Transactions Standards:** Includes not only health claims, but also eligibility, enrollment and disenrollment. All third party claims will be standardized with all providers using standard code sets and claim format. **Compliance Date - October 16, 2003**

- 3. Security and Electronic Signature:** The security standard mandates safeguards for physical storage and maintenance for all health information. **Compliance Date – April 2005**

- 4. Unique Identifiers:**
Identifier for Employer **Compliance Date – July 30, 2002**
Health Plan (Payer) Identifier **Pending**

HIPAA is a complex law which affects several Gaston County departments. Staff will be trained and the Gaston County HIPAA Compliance Officer will assure compliance by all departments.