

**CLARK COUNTY BOARD OF COMMISSIONERS
AGENDA ITEM**

Issue:	Amendment of Resolution 4-1-03-1 Designation of HIPAA Hybrid Entity Status	Back-up:
Petitioner:	Jeremiah P. Carroll II, Director, Audit	Clerk Ref. #
Recommendation: That the Board of County Commissioners approve and authorize the Chairman to sign the amendment to Resolution 4-1-03-1 Designation of HIPAA Hybrid Entity Status, deleting the Department of Juvenile Justice Services as part of the Health Care Component of the County's Hybrid Entity.		

FISCAL IMPACT:

None by this action.

BACKGROUND:

On April 1, 2003, the Board of County Commissioners approved and adopted a resolution to designate Clark County as a Hybrid Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and designated its Health Care Components. Those Components, including University Medical Center (UMC), are covered under HIPAA mandates and regulations. On September 7, 2010, the Board of County Commissioners approved and adopted an amendment to the resolution to add the Fire Department, remove the Clark County Employee Assistance Program and correct the inadvertent omission of the Risk Management Department to the extent it administers the Clark County Self Funded Group Medical and Dental Benefit Plan.

This amendment removes the Department of Juvenile Justice Services as review of operations noted the department does not require inclusion.

Respectfully submitted,



VIRGINIA VALENTINE
County Manager

Cleared for Agenda
12/7/10 MD

Agenda Item #

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COUNTY OF CLARK

BOARD OF COUNTY COMMISSIONERS

**FOURTH AMENDMENT TO AND A RESTATEMENT OF THE RESOLUTION
DESIGNATING THE COUNTY AS A HYBRID ENTITY FOR PURPOSES OF
HIPAA AND IDENTIFYING ITS HEALTH CARE COMPONENTS**

WHEREAS, Clark County, Nevada (the "County") is 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, Public Law 104-191 ("HIPAA") and regulations promulgated thereunder by the U.S. Department of Health and Human Services (the "HIPAA Regulations");

WHEREAS, the Board of County Commissioners (the "Board") has authorized the creation and implementation of a Privacy Compliance Program designed to prevent and detect violations of HIPAA and other applicable laws relating to data privacy and security by the County and its employees, agents and contractors; and

WHEREAS, the Board has determined that the County may more effectively and efficiently administer its Privacy Compliance Program by designating the County as a "hybrid entity," as that term is defined under HIPAA; and

WHEREAS, the Board desires to amend Resolution 4-1-03-1 to remove the designation of the Department of Juvenile Justice Services as part of the health care component of the County's hybrid entity; and

WHEREAS, the amendment adopted September 7, 2010 to Resolution 4-1-03-1 should have been designated as the third amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, IN THE STATE OF NEVADA THAT:

The Board hereby designates the County as a "hybrid entity," pursuant to Section 164.504(a) of the HIPAA privacy regulations (the "Privacy Rule").

FURTHER RESOLVED, the following County departments are hereby designated as part of the health care component of the County's hybrid entity; (i) University Medical Center of Southern Nevada ("UMC"); (ii) the Social Services Department, to the extent that it operates the County Medical Assistance Service program; (iii) the Risk Management Department to the extent that it administers the Clark County Self Funded Group Medical and Dental Benefit Plan; and (iv) the Clark County Fire Department.

FURTHER RESOLVED, the following County departments are also designated as part of the health care component of the County's hybrid entity, because they perform services for the departments listed in the above resolution and receive protected health


information in the course of doing so: (i) the Information Technology Department; (ii) the Audit Department; (iii) the County Manager's Office; (iv) the Board of County Commissioners; (v) the Finance Department to the extent it includes the Comptroller's Office and Purchasing division; and (vi) the Civil Division of the District Attorney's Office.

FURTHER RESOLVED, the Board hereby authorizes and directs the County Manager or designee to develop and implement policies and procedures and other actions necessary to cause the County to comply with the HIPAA Transaction and Code Set, Privacy, Security, Unique Identifiers, and Data Breach Notification requirements for hybrid entities.

This fourth amendment restates and supersedes Resolution 4-1-03-1 and all prior amendments thereto and is effective upon its adoption by the Board and the execution thereof.

PASSED, ADOPTED AND APPROVED THIS 7th day of December, 2010.

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

BY: 
RORY REID, Chairman

ATTEST: 
DIANA ALBA, County Clerk

The above amendment has been reviewed by the Deputy District Attorney:


MARK WOOD, Deputy District Attorney