

**RESOLUTION TO DESIGNATE THE COUNTY OF ALBEMARLE, VIRGINIA
AS A HYBRID ENTITY UNDER THE HEALTH INSURANCE PORTABILITY AND
ACCOUNTABILITY ACT OF 1996 AND THE HIPAA PRIVACY RULE**

WHEREAS, the County of Albemarle, Virginia (the “County”) is committed to compliance with 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” as that term is defined under HIPAA because the County administers a health plan to its employees and bills for emergency medical vehicle transports; and

WHEREAS, the Board of Supervisors of Albemarle County has determined that the County may more effectively and efficiently comply with HIPAA and administer the HIPPA Regulations by designating the County as a “hybrid entity,” as that term is defined under HIPAA, 45 C.F.R. § 164.103; and

WHEREAS, the County’s Human Resources Department and Fire and Rescue Department have adequate training, policies, and procedures for HIPAA compliance in place; and

WHEREAS, the County has contracted with a third party to administer its health plan such that no County employee responsible for administration of the plan normally has contact with “protected health information” as that term is defined under HIPAA, 45 C.F.R. § 160.103; and

WHEREAS, all third parties who contract with the County to receive, process, or transmit protected health information held by the County are required to execute a “Business Associate Agreement” as required under HIPAA, 45 C.F.R. § 164.308(b), thereby agreeing to comply with HIPAA regulations in their handling of “protected health information”.

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Albemarle, Virginia, hereby designates the County as a “hybrid entity,” pursuant to the HIPAA Privacy Rule, 45 C.F.R. § 164.105.

BE IT FURTHER RESOLVED that the following are hereby designated as the health care components of the County’s hybrid entity: (i) the County’s health plan, and (ii) the County’s Fire and Rescue Department. The health plan is defined for purposes of HIPAA as those County employees responsible for administration of the health plan, including the Human Resources Department and the County Executive’s Office, only to the extent that their duties involve administration of the plan.

BE IT FURTHER RESOLVED that the following departments are designated as part of the health care component of the County’s hybrid entity only to the extent that they receive protected health information in the course of providing support services to the health plan or the Fire and Rescue Department; (i) the Finance Department; (ii) the Information Technology Department; (iii) the County Attorney’s Office; (iv) the County Executive’s Office, and (v) the Human Resources Department.

BE IT FURTHER RESOLVED that departments providing support services to the health care component of the County’s hybrid entity shall receive a level of HIPAA training commensurate with their level of access to “protected health information”.

I, Ella W. Jordan, do hereby certify that the foregoing writing is a true and correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County by a vote of ____ to ____, as recorded below, at a meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Dill	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Randolph	_____	_____
Mr. Sheffield	_____	_____