



**COUNTY OF SAN BERNARDINO  
POLICY MANUAL**

**No. 14-03**

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**EFFECTIVE DATE** July 28, 2015

**POLICY: HEALTH INSURANCE PORTABILITY AND  
ACCOUNTABILITY ACT (HIPAA) POLICY**

**APPROVED** JAMES RAMOS  
Chairman, Board of Supervisors

**POLICY STATEMENT AND PURPOSE**

To define and document the County of San Bernardino's Health Insurance Portability and Accountability Act (HIPAA) Compliance Program. The program shall identify the covered Health Care Component (HCC), establish minimum compliance standards for the covered HCC, and designate a County Privacy Officer and a County Security Officer.

**DEPARTMENTS AFFECTED**

All County agencies, departments, separate entities and Board-governed Special Districts that are determined to be covered by HIPAA are bound by this policy.

**DEFINITIONS**

*Breach:* The acquisition, access, use or disclosure of Protected Health Information (PHI) in a manner not permitted by the HIPAA Privacy Rule.

*Business Associate:* A person or organization that, on behalf of a covered entity other than a member of the covered entity's workforce, creates, receives, maintains or transmits PHI.

*Covered Entity:* A health plan, health care clearinghouse, or a health care provider who transmits any health information in electronic form in connection with a HIPAA covered transaction.

*Health Care Component:* County departments or programs that meet the definition of a Covered Entity or Internal Business Associate.

*Health Insurance Portability and Accountability Act (HIPAA):* A federal law designed to provide privacy and information security standards to protect patients' medical records and other health information provided to health plans, doctors, hospitals, and other health care providers. (45 C.F.R. Parts 160 and 164)

*Hybrid Entity:* A single legal entity: (1) that is a Covered Entity; (2) whose business activities include both covered and non-covered functions; and (3) that designates Health Care Components.

*Internal Business Associate:* A County department or program that provides services to another County department or program covered by HIPAA that if it was a separate entity would fall within the definition of a Business Associate.

*Privacy Officer:* The person responsible for developing, implementing, and maintaining the County Privacy Policies and Procedures regarding the use and disclosure of Protected Health Information, responsible for receiving complaints under HIPAA, and for compliance with the HIPAA Privacy Rule.

*Protected Health Information (PHI):* Individually identifiable health information that is transmitted by, or maintained in, electronic media or any other form or medium (excludes individually identifiable health information in employment records held by Covered Entity in its role as employer).

*Security Officer:* The person responsible for the development and implementation of County policies and procedures as required by the HIPAA Security Rule.

**POLICY AMPLIFICATION**

The Board of Supervisors designates the County of San Bernardino as a Hybrid Entity for purposes of HIPAA. The County is committed to protecting the privacy of PHI which it creates, receives, maintains, and transmits. To comply with HIPAA, the County will:

1. Designate the County's Health Care Component.
2. Designate a County Privacy Officer.
3. Designate a County Security Officer.
4. Create and maintain policies and procedures for the protection of PHI in written or electronic form.
5. Establish administrative, physical, and technical safeguards for protecting PHI.
6. Implement and oversee workforce training on privacy and security policies and procedures.
7. Establish a formal complaint process.
8. Establish and enforce a risk assessment process.
9. Refrain from retaliating against an individual for exercising their rights under HIPAA (whistleblower, filing a complaint, etc).
10. Establish a process to report breaches of PHI as required by law.

Nothing in this Policy shall be construed as relieving departments of their responsibility to develop full and complete departmental policies, procedures, and practices necessary to expand and tailor this overall County Policy to the particular needs of their departments.

**LEAD DEPARTMENT**

Human Resources

**APPROVAL HISTORY**

**Adopted** 11/18/08; Item Number 86; Amended 07/28/15; Item Number 41.

**REVIEW DATES**

July 2020