

RESOLUTION NO. 18-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, DESIGNATING THE CITY OF SUGAR LAND AS A HYBRID ENTITY IN COMPLIANCE WITH THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996.

WHEREAS, the City of Sugar Land Texas (“City”) is committed to compliance with the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”); and

WHEREAS, the City is an entity that meets the definition of a covered entity under HIPAA because it performs HIPAA covered functions as a health care provider; and

WHEREAS, the City also performs non-covered functions under HIPAA as part of its operations; and

WHEREAS, HIPAA permits the City to designate itself as a “covered entity,” whereby it designates the health care components within the City and the non-health care components within the City. Within a hybrid entity, most of the requirements of HIPAA apply only to the health care component of the City; and

WHEREAS, the City has determined that the City may more effectively and efficiently ensure HIPAA compliance by designating the City as a “hybrid entity,” as that term is defined under HIPAA at 45 CFR § 164.103; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND TEXAS:

Section 1. That it adopts the findings and recitals set forth in the preamble to this Resolution.

Section 2. That the City Council hereby designates the City as a “hybrid entity,” pursuant to 45 CFR §164.105(a)(2)(iii)(D).

Section 3. That the following City Departments are hereby designated as a health care component of the City:

1. The Fire-EMS Department with respect to its duties relating to emergency medical services only;
2. The Human Resources Department in its function of administering the City’s health insurance benefits plans for medical, dental, vision, and health flexible spending plans only;
3. The Information Technology Department with respect to its duties relating to providing technology services for the City’s health insurance benefits plans and emergency medical services only;

4. The Finance Department with respect to its duties relating to medical billing, payment, and the administration of health insurance payments for medical plans only;
5. The City Secretary's Office with respect to its duties relating to records management of the City's health insurance benefits plans and emergency medical services only;
6. The City Manager's Office to the extent that it provides services to entities, programs and departments that are required to comply with HIPAA only; and
7. The City Attorney's Office to the extent that it provides services to entities, programs and departments that are required to comply with HIPAA only.

Section 4. That all other City Departments and Offices not otherwise specified or designated as a health care component are hereby designated as non-health care components of the City.

Section 5. That the health care component may only exchange PHI with non-health care components if doing so is permitted by HIPAA and City policies.

Section 6. That all workforce members who are part of the designated health care component of the City must be trained on HIPAA and any applicable City policies and procedures. City employees may only access PHI in accordance with their specific job functions and only for a legitimate work-related purpose in accordance with City policies and procedures and HIPAA regulations.

Section 7. That the City Council hereby approves the implementation of any policies and procedures necessary to facilitate this hybrid designation.

Section 8. That the City Council hereby directs all City Departments to comply with the hybrid entity policies and procedures implemented by the City, as applicable.

Section 9. That each Department Director must immediately report all issues related to the City's HIPAA compliance to the City's Privacy Officer.

APPROVED on _____, 2018.

Joe R. Zimmerman, Mayor

ATTEST:

APPROVED AS TO FORM:



Glenda Gundermann, City Secretary