

1 [Designating Various Departments as Health Care Components of the City and County of San
2 Francisco - Hybrid Entity Under Health Insurance Portability and Accountability Act]

3 **Resolution accepting the report of the City Administrator and adding the Department of**
4 **Homelessness and Supportive Housing, the Controller's Office, and DataSF to the**
5 **previous designation that included the Department of Public Health, Fire Department,**
6 **Health Service System, City Attorney, Treasurer-Tax Collector and Department of**
7 **Technology, as Health Care Components under the Health Insurance Portability and**
8 **Accountability Act of 1996 (HIPAA), pursuant to Administrative Code, Chapter 22H.**
9

10 WHEREAS, Administrative Code, Chapter 22H was enacted on March 13, 2020, and
11 requires the City and County of San Francisco to designate certain City departments as
12 Health Care Components under the Health Insurance Portability and Accountability Act of
13 1996 (HIPAA); and

14 WHEREAS, The City performs certain functions as a health care provider and health
15 plan that make it subject to HIPAA, and also performs many functions that are unrelated to
16 healthcare and are not subject to compliance with HIPAA; and

17 WHEREAS, This structure makes San Francisco a single legal entity that engages in
18 functions covered by HIPAA and also in non-HIPAA-covered functions, known as a Hybrid
19 Entity; and

20 WHEREAS, Section 22H.4 of the Administrative Code requires the City Administrator
21 to not less than three years after the initial report, "issue a report identifying every City
22 department and/or division thereof that would meet the definition of a Covered Entity or
23 Business Associate if it were a separate legal entity...in consultation with the City Attorney;
24 based on a review of the functions performed by City departments and divisions thereof;" and

25 WHEREAS, Section 22H.4(c) states that upon issuing such report, the City

1 Administrator shall submit it to the Board of Supervisors, accompanied by a proposed
2 resolution to accept the report and to designate as Health Care Components the City
3 departments and/or divisions thereof that would meet the definition of a Covered Entity or
4 Business Associate if they were separate legal entities; and

5 WHEREAS, The last report (on file with the Clerk of the Board in File No. 210343)
6 identified the Department of Public Health, Fire Department, and Health Service System as
7 meeting the definition of a Covered Entity if they were a separate legal entity, but only to the
8 extent they perform covered functions, and the City Attorney, Treasurer-Tax Collector, and
9 Department of Technology as meeting the definition of a Business Associate if they were a
10 separate legal entity, but only to the extent they perform covered functions; and

11 WHEREAS, This report further identifies the Department of Homelessness and
12 Supportive Housing, the Controller's Office, and DataSF (a division under the Office of the
13 City Administrator) as meeting the definition of a Business Associate if they were a separate
14 legal entity; now, therefore, be it

15 RESOLVED, That the Board of Supervisors accepts the report of the City Administrator
16 that determines the Department of Public Health, Fire Department and Health Service
17 System continue to meet the definition of a Covered Entity if they were a separate legal
18 entity, but only to the extent that they perform covered functions; and, be it

19 FURTHER RESOLVED, That the Board of Supervisors accepts the report of the City
20 Administrator that determines the City Attorney, Treasurer-Tax Collector and Department of
21 Technology, continue to meet the definition of a Business Associate if they were a separate
22 legal entity, but only to the extent that they perform covered functions; and, be it

23 FURTHER RESOLVED, That the Board of Supervisors accepts the report of the City
24 Administrator that determines the Department of Homelessness and Supportive Housing, the
25 Controller's Office, and DataSF would meet the definition of a Business Associate if they

1 were a separate legal entity, but only to the extent that they perform covered functions; and,
2 be it

3 FURTHER RESOLVED, That the Board of Supervisors designates the Department of
4 Public Health, Fire Department, Health Service System, City Attorney, Treasurer-Tax
5 Collector, Department of Technology, the Department of Homelessness and Supportive
6 Housing, the Controller's Office, and DataSF as Health Care Components, but only to the
7 extent they perform covered functions; and, be it

8 FURTHER RESOLVED, That the Board of Supervisors requests that the designated
9 departments develop and implement policies and procedures relevant to their specific HIPAA
10 compliance responsibilities, subject to review by the City Attorney and approval by the City
11 Administrator.