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

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

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

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

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

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

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

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

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

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

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

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

FURTHER RESOLVED, That the Board of Supervisors accepts the report of the City

Administrator that determines the Department of Homelessness and Supportive Housing, the

Controller's Office, and DataSF would meet the definition of a Business Associate if they

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

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

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



City and County of San Francisco Tails

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Resolution

File Number: 250921

Date Passed: October 21, 2025

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

October 09, 2025 Public Safety and Neighborhood Services Committee - RECOMMENDED

October 21, 2025 Board of Supervisors - ADOPTED

Ayes: 10 - Chan, Chen, Dorsey, Fielder, Mahmood, Mandelman, Melgar, Sauter, Sherrill and Walton

File No. 250921

I hereby certify that the foregoing Resolution was ADOPTED on 10/21/2025 by the Board of Supervisors of the City and County of San Francisco.

> Angela Calvillo Clerk of the Board

Daniel Lurie Mayor **Date Approved**

OCT 24, 2025