



HIPAA Hybrid Covered Entity Designation Ordinance

Rules Committee

February 10, 2019



Health Insurance Portability and Accountability Act

- Federal law designed to protect the confidentiality of personally identifiable health information.
- HIPAA allows large entities, like universities and municipalities, to designate as a hybrid covered entity where some parts of the entity engage in covered healthcare activities, while other parts do not.
- San Francisco has not yet made a hybrid designation, so by default, the entire City is covered by HIPAA
 - Compliance burden on departments that do not engage in covered activities
 - Increased exposure to liability for HIPAA violations
 - Lack of legal clarity on how to share health information across departments in compliance with HIPAA



Completing the HIPAA Designation Process

- The Controller's office, the City Attorney's office, and the Mayor's Office have been collaborating on the hybrid designation process.
- The City has worked with a HIPAA consultant to make recommendations about which departments should be included or excluded from the covered entity based on their specific functions.

HIPAA covered entities include:

- A health plan, a health care clearing housing, or a health care provider who transmits health records electronically for billing or administrative purposes.

Ordinance



- The ordinance declares the City and County of San Francisco as a hybrid covered entity with the majority of departments excluded and those departments that engage in covered activities included.
- Under this ordinance, the City Administrator will be responsible for maintaining the list of covered city departments.
- The City Administrator must submit the proposed list of departments via resolution to the BOS within a month of the effective date and no less than every three years.
- Should city department functions change, the City Administrator would bring an updated list before the BOS for approval by resolution.

Ordinance



- The City Administrator will also be responsible for developing, maintaining, and administering a citywide HIPAA compliance policy.
- While this legislation is focused on the legal designation of the City and County of San Francisco as a hybrid covered entity and clarifies our legal requirements under HIPAA, it is an essential first step to improving cross-departmental data sharing because it helps clarify which departments are subject to HIPAA's strict data sharing policies.



Next Steps

- The City Administrator will introduce a resolution that lists the included and excluded departments within 30 days.
- City Administrator will also be responsible for developing, maintaining, and administering a citywide HIPAA compliance policy.
- Implementation of training and compliance protocols.
- Development of data sharing agreements between city departments.