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

3 **Resolution accepting the report of the City Administrator and designating the**

4 **Department of Public Health, Fire Department, Health Service System, City**

5 **Attorney, Treasurer-Tax Collector and Department of Technology as Health Care**

6 **Components under the Health Insurance Portability and Accountability Act of**

7 **1996 (HIPAA), pursuant to Administrative Code, Chapter 22H.**

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9 WHEREAS, Administrative Code, Chapter 22H was enacted on March 13, 2020,

10 and requires the City and County of San Francisco to designate certain City

11 departments as Health Care Components under the Health Insurance Portability and

12 Accountability Act of 1996 (HIPAA); and

13 WHEREAS, The City performs certain functions as a health care provider and

14 health plan that make it subject to HIPAA, and also performs many functions that are

15 unrelated to healthcare and are not subject to compliance with HIPAA; and

16 WHEREAS, This structure makes San Francisco a single legal entity that

17 engages in functions covered by HIPAA and also in non-HIPAA-covered functions, also

18 known as a Hybrid Entity; and

19 WHEREAS, Administrative Code, Section 22H.4 requires the City Administrator

20 to "issue a report identifying every City department and/or division thereof that would

21 meet the definition of a Covered Entity or Business Associate if it were a separate legal

22 entity…in consultation with the City Attorney, based on a review of the functions

23 performed by City departments and divisions thereof;" and

24 WHEREAS, Administrative Code, Section 22H.4(c) states that upon issuing a

25 report, the City Administrator shall submit the report to the Board of Supervisors,

1   accompanied by a proposed resolution to accept the report and to designate as Health

2   Care Components the City departments and/or divisions thereof that would meet the

3   definition of a Covered Entity or Business Associate if they were separate legal entities;

4   and

5   WHEREAS, This report was delayed in part due to the COVID-19 emergency,

6   but is now available for the Board of Supervisors' consideration; and

7   WHEREAS, The report referenced above is on file with the Clerk of the Board of

8   Supervisors in File No. 210343, which is hereby declared to be a part of this Resolution

9   as if set forth fully herein; and

10   WHEREAS, Pursuant to Administrative Code, Section 22H.4(c), the Board of

11   Supervisors is not bound by the City Administrator's report; now, therefore, be it

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

13   Administrator that determines the Department of Public Health, Fire Department and

14   Health Service System would meet the definition of a Covered Entity if they were a

15   separate legal entity, but only to the extent that they perform covered functions; and,

16   be it

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

18   City Administrator that determines the City Attorney, Treasurer-Tax Collector and

19   Department of Technology would meet the definition of a Business Associate if they

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

21   and, be it

22   FURTHER RESOLVED, That the Board of Supervisors designates the

23   Department of Public Health, Fire Department, Health Service System, City Attorney,

24   Treasurer-Tax Collector and Department of Technology as Health Care Components,

25   but only to the extent they perform covered functions; and, be it

1   FURTHER RESOLVED, That the Board of Supervisors requests that the

2   designated departments develop and implement policies and procedures relevant to

3   their specific HIPAA compliance responsibilities, subject to review by the City Attorney

4   and approval by the City Administrator.

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