

BOARD of SUPERVISORS



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MEMORANDUM

TO: Carmen Chu, City Administrator
Dr. Grant Colfax, Director, Department of Public Health
Jeanine Nicholson, Chief, Fire Department
Abbie Yant, Executive Director, Health Service System
Anne Pearson, Deputy City Attorney, Office of the City Attorney
Jose Cisneros, Treasurer, Office of the Treasurer-Tax Collector
Linda Gerull, Executive Director, Department of Technology

FROM: John Carroll, Assistant Clerk,
Public Safety and Neighborhood Services Committee

DATE: April 21, 2021

SUBJECT: RESOLUTION MATTER INTRODUCED

The San Francisco Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following resolution, introduced by the Office of the City Administrator on April 13, 2021:

File No. 210343

Resolution accepting the report of the City Administrator and designating 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.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

C: Office of Chair Mar
Bill Barnes, Office of the City Administrator
Greg Wagner, Department of Public Health
Dr. Naveena Bobba, Department of Public Health
Sneha Patil, Department of Public Health
Arielle Fleisher, Department of Public Health
Theresa Ludwig, Fire Department
Amanda Khan-Fried, Office of the Treasurer-Tax Collector
Karen Hong Yee, Department of Technology

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.**

8
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

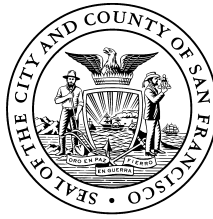
12 RESOLVED, That the Board of Supervisors accepts the report of the City
13 Administrator that determines the Department of Public Health, Fire Department and
14 Health Service System would meet the definition of a Covered Entity if they were a
15 separate legal entity, but only to the extent that they 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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MEMORANDUM

To: Honorable Members of the Board of Supervisors

From: Carmen Chu
City Administrator 

Re: Designating Departments as Hybrid Entities Under the Health Insurance Portability and Accountability Act (HIPAA)

Date: April 2, 2020

Administrative Code Chapter 22H requires certain City departments be designated as Health Care Components under the Health Insurance Portability and Accountability Act of 1996, commonly known as "HIPAA." HIPAA is a critical federal law that ensures the privacy of patients' health information.

Under federal law, a Health Care Component may meet the definition of a Covered Entity or Business Associate. A Covered Entity is an organization administering a health plan or functioning as a health care provider. A Business Associate has access to health information for limited purposes, such as billing or legal matters.

The departments included in this resolution were identified initially through a citywide survey of information collected by departments and subsequently reviewed by an independent consultant retained by the City Attorney's Office.

Currently, many departments have already adopted strict privacy standards. The City Administrator's DataSF team works with departmental data coordinators to properly classify data sets and ensure they are managed consistent with federal, state and local law. Departments designated through this process are expected to establish a HIPAA compliance policy, subject to approval by the City Administrator.

A resolution detailing these designations is enclosed. Please contact Bill Barnes at 415-554-7554 or bill.barnes@sfgov.org with any questions.