

RESOLUTION NO. 18-55  
INTRODUCED BY: Mr. Mace

**A RESOLUTION**

**DECLARING THE CITY AS A HYBRID ENTITY; DESIGNATING THE CITY'S HEALTH CARE COMPONENTS; DESIGNATING A HIPAA PRIVACY AND SECURITY OFFICER; DIRECTING AND AUTHORIZING CERTAIN PARTIES TO CARRY OUT THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Bay Village, Ohio (the "City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XVIII, Section 7 of the Ohio Constitution and Article 1, Section 1.1 of the Charter of the City of Bay Village; and

**WHEREAS**, the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), and regulations promulgated thereunder, and the Health Information Technology for Economic and Clinical Health Act ("HITECH"), and regulations promulgated thereunder, require public and private entities that provide certain health care services to comply with regulations related to the collection, use, disclosure and security of individually identifiable health information; and

**WHEREAS**, as a "covered entity" under HIPAA, the City strives to protect the confidentiality, integrity and availability of protected health information ("PHI") by taking reasonable and appropriate steps to protect the security and privacy of PHI and comply with all applicable laws and regulations relating to data privacy and security, including, without limitation, HIPAA, HITECH, the Ohio's Protected Health Information Laws and the Ohio Identity Theft Enforcement and Protection Laws; and

**WHEREAS**, because the City is a single legal entity with business activities that include both covered and non-covered functions, the City may declare itself a Hybrid entity as defined by 45 C.F.R. § 164.103 and in accordance with 45 C.F.R. § 164.105(a)(2)(iii)(C); and

**WHEREAS**, the City Council has determined that the City can more effectively and efficiently comply with HIPAA by declaring the City as a "Hybrid entity" and formally designating the City's health care components in accordance with 45 C.F.R. § 164.105(a)(2)(iii)(C); and

**WHEREAS**, after an assessment of the City's divisions, programs and departments for applicability of HIPAA, only certain portions of the City are components of the City that create, transmit, use, or maintain health information and therefore should be designated as Healthcare components; and

**WHEREAS**, HIPAA regulations require the City to designate an individual or individuals as the privacy officer(s) to be responsible for the development and implementation of required privacy policies and procedures for the City and the Fire Department Chief has assumed those duties relative to HIPAA compliance for public safety functions as outlined herein and the Human Resources Administrator has assumed those duties relative to HIPAA compliance for administrative and health plan functions as outlined herein; and

**WHEREAS**, as a Hybrid entity, the City has ongoing responsibilities to establish and maintain ongoing policies, procedures and business practices to maintain compliance with HIPAA requirements;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Bay Village:

**SECTION 1.** That this Council finds and determines that the recitals made in the preamble of this Resolution are true and correct, and incorporates such recitals herein.

**SECTION 2.** That this Council hereby designates the City as a “Hybrid entity.” In accordance with 45 C.F.R. 164.1058(a)(2)(iii)(C), the following components are designated as “Covered Components” of the Hybrid entity:

1. The Fire Department with respect to its provisions of emergency medical services only;
2. The Police Department with respect to its provisions of emergency medical dispatch services and its provisions of technology services related to emergency medical dispatch services only;
3. The Human Resources Department in its function administering health insurance benefits plan only;
4. The Finance Department with respect to its duties involving the billing, payment, and administration of health insurance payments for medical plans only;
5. The Law Department with respect to its duties relating to records management only;
6. The Information Services Department with respect to its duties relating to providing technology services for other Covered Components;
7. The Internal Auditor with respect to its duties to audit other Covered Components; and
8. The Mayor’s Office with respect to its duties related to the management of other Covered Components.

**SECTION 3.** This Council affirms that all Covered Components are required to protect the security and privacy of PHI and comply with all applicable laws and regulations relating to data privacy and security, including, without limitation, HIPAA, HITECH, Ohio’s Protected Health Information Laws and the Ohio Identity Theft Enforcement and Protection Laws. To this end, Council directs and authorizes all Heads of Departments that have been designated as Covered Components to take any and all action necessary to implement this Resolution and ensure the following policy guidelines are followed:

1. All employees, agents, and volunteers are to comply with HIPAA, Ohio’s Protected Health Information Laws, and those regulations that implement these laws;
2. All employees, agents, and volunteers are to comply with City policies and procedures implementing HIPAA and Ohio’s Protected Health Information Laws;
3. All personnel are to ensure that access, use, and disclosure of PHI is limited to authorized personnel for only permitted uses;
4. All personnel are to safeguard the confidentiality, integrity, and availability of PHI in accordance with City policies and the Security Regulations promulgated pursuant to HIPAA;

5. All personnel are to immediately document and notify the Privacy and Security Officer of any unauthorized disclosures;
6. All personnel are to take steps to mitigate any damages caused by unauthorized disclosure;
7. All personnel are to ensure the security of facilities and technological operations;
8. Key personnel are to ensure that business associate agreements are executed with contractors that perform duties involving PHI on behalf of the City; and
9. All personnel are to be trained and updated on all new requirements on a continuing basis.

**SECTION 4.** That this Council designates the Fire Department Chief as the City’s HIPAA Privacy and Security Officer responsible for the development, implementation and oversight of the City’s HIPAA privacy and security policies and procedures in relation to the policies and procedures applicable to the Covered Components outlined in Section 2 herein.

**SECTION 5.** The City directs and authorizes the HIPAA Privacy and Security Officer to work in conjunction with the Law Director to approve changes in the designation of departments, divisions, units and/or programs as health care components to maintain compliance with HIPAA and the Ohio’s Protected Health Information Laws, to develop policies and procedures, and outline other actions as necessary to implement this Resolution and comply with HIPAA and the Ohio’s Protected Health Information Laws.

**SECTION 6.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 7.** That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: June 18, 2018

  
PRESIDENT OF COUNCIL

  
CLERK OF COUNCIL

APPROVED: June 18, 2018

  
MAYOR

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