

CITY OF LOS ANGELES

CALIFORNIA



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When making inquiries relative to
this matter, please refer to the
Council File No.

September 12, 2013

To All Interested Parties:

The City Council adopted the action(s), as attached, under Council
File No. 13-1080, at its meeting held September 11, 2013.



City Clerk
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PERSONNEL AND ANIMAL WELFARE COMMITTEE REPORT relative to the adoption of a Health Insurance Portability and Accountability Act of 1996 (HIPAA) Policy for the City and modification of the designation of health care components of the City of Los Angeles, a hybrid entity, pursuant to HIPAA.

Recommendations for Council action:

1. ADOPT the accompanying Resolution designating the Financial Operations and Audit Divisions of the Controller's Office of the City of Los Angeles as a "health care component" pursuant to the HIPAA.
2. ADOPT the HIPAA Policies Notebook, attached to the August 16, 2013 City Attorney report and the Council file, as the official HIPAA Policy for the City of Los Angeles.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

Summary:

On September 3, 2013, your Committee considered an August 16, 2013 City Attorney report relative to the adoption of a HIPAA Policy for the City and modification of the designation of health care components of the City of Los Angeles, a hybrid entity, pursuant to HIPAA. According to the City Attorney, on July 30, 2010 Council adopted a Resolution in regard to the designation of the City of Los Angeles as a "hybrid" entity pursuant to the HIPAA. The Resolution also called for the designation of the following portions of the City of Los Angeles as "health care components" pursuant to HIPAA:

- a. The Los Angeles Fire Department (LAFD)
- b. The Billing Section of the LAFD
- c. Correctional Care Services of the Medical Services Division of the Personnel Department
- d. Information Technology Agency
- e. Records Management Division of the Office of the City Clerk
- f. Medical Services Office of the Employment Services Division of the Los Angeles Department of Water and Power.

Finally, in that Resolution, the City Council reserved the right to amend the above-referenced designations to add, make exceptions to, modify or eliminate those HIPAA designations.

It is pursuant to that reservation of authority that an addition to and modification of the designated "health care components" of the City of Los Angeles is being recommended to add the Financial

Operations and Audit Divisions of the Controller's Office and remove the designation for the Billing Section of the LAFD. Further, it is recommended that the Los Angeles City Council adopt the attached HIPAA Policy Manual as the official HIPAA Policy for the City of Los Angeles, which incorporates the modifications to the HIPAA Privacy, Security, Enforcement, and Breach Notification Rules under the Health Information Technology for Economic and Clinical Health Act. [45 CFR Parts 160 and 164].

After consideration and having provided an opportunity for public comment, the Committee moved to recommend approval of the recommendations as contained in the City Attorney report and detailed in the above recommendations. This matter is now forwarded to Council for its consideration.

Respectfully Submitted,



PERSONNEL AND ANIMAL WELFARE COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
KORETZ:	YES
O'FARRELL:	YES
FUENTES:	YES

ADOPTED

SEP 11 2013

LOS ANGELES CITY COUNCIL

-NOT OFFICIAL UNTIL COUNCIL ACTS-

RESOLUTION

WHEREAS, the Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) and various implementing regulations impose certain new requirements regarding the confidentiality of health information; and

WHEREAS, the City of Los Angeles has already been designated as a "covered entity" under the Health Insurance Portability and Accountability Act (HIPAA) and the federal regulations; and

WHEREAS, the City of Los Angeles has already designated its components that perform HIPAA-covered functions; and

WHEREAS, a HIPAA designation is required under 45 CFR Sections 164.105, 164.316(a) and 164.530(i); and

WHEREAS, the City of Los Angeles reserved the right to modify those designations as needed to comply with the requirements of the HIPAA regulations;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Los Angeles hereby designates the Controller's Office as a "health care component" for purposes of the Federal Health Insurance Portability and Accountability Act (HIPAA) and various implementing regulations; and in accordance with 45 C.F.R. 164.105(a)(2)(iii)(D), the following health care components are hereby designated and modified as "health care components" of the hybrid entity - the City of Los Angeles:

- a) The Los Angeles Fire Department;
- b) Correctional Care Services of the Medical Services Division of the Personnel Department;
- c) Information Technology Agency;
- d) Records Management Division of the Office of the City Clerk;
- e) Medical Services Office of the Employment Services Division of the Department of Water and Power; and
- f) The Controller's Office, Financial Operations and Auditing Divisions.

BE IT FURTHER RESOLVED, that the City Council adopt the HIPAA Policies Notebook on file with the City Clerk as the official HIPAA Policy for the City of Los Angeles.

BE IT FURTHER RESOLVED, that the Council of the City of Los Angeles reserves the right to amend the above stated designation and/or HIPAA Policy to include additional components and to make exceptions to, modify or eliminate the designation or policy(ies) as required under the HIPAA regulations.

I CERTIFY THAT THE FOREGOING
RESOLUTION WAS ADOPTED BY THE
COUNCIL OF THE CITY OF LOS ANGELES
AT ITS MEETING OF SEP 11 2013
BY A MAJORITY OF ALL ITS MEMBERS.



HOLLY L. WOLCOTT
INTERIM CITY CLERK

BY Sharon Bruce
DEPUTY