

COUNTY OF CLARK

BOARD OF COUNTY COMMISSIONERS

FIFTH AMENDMENT TO THE RESOLUTION

DESIGNATION OF HIPAA HYBRID ENTITY STATUS

WHEREAS Clark County, Nevada (the "County") is committed to compliance with all applicable laws and regulations relating to data privacy and security, including, but not limited to, the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 ("HIPAA") and regulations promulgated thereunder by the U.S. Department of Health and Human Services (the "HIPAA Regulations").

WHEREAS, the Board of County Commissioners (the "Board") has authorized the creation and implementation of a Privacy Compliance Program designed to prevent and detect violations of HIPAA and other applicable laws relating to data privacy and security by the County and its employees, agents and contractors; and

WHEREAS, the Board has determined that the County may more effectively and efficiently administer its Privacy Compliance Program by designating the County as a "hybrid entity," as that term is defined under HIPAA; and

WHEREAS the Board desires to amend Resolution 4-1-0-1 to add the designation of the Clinical and Community Services Department as part of the health care component of the County's hybrid entity.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby designates the County as a "hybrid entity," pursuant to Section 164.504(a) of the HIPAA privacy regulations (the "Privacy Rule").

FURTHER RESOLVED, the following County departments are hereby designated as part of the health care component of the County's hybrid entity; (i) University Medical Center of Southern Nevada ("UMC"); (ii) the Social Services Department, to the extent that it operates the County Medical Assistance Service program; (iii) the Risk Management Department to the extent that it administers the Clark County Self Funded Group Medical and Dental Benefit Plan; (iv) the Clark County Fire Department; (v) the Clinical and Community Services Department.

FURTHER RESOLVED, the following County departments are also designated as part of the health care component of the County's hybrid entity, because they perform services for the departments listed in the above resolution and receive protected health information in the course of doing so: (i) the Information Technology Department; (ii) the Audit Department; (iii) the County Manager's Office; (iv) the Board of County Commissioners; (v) the Finance Department to the extent it includes the Comptroller's Office and Purchasing division; and (vi) the Civil Division of the District Attorney's Office.

FURTHER RESOLVED, the Board hereby authorizes and directs the County Manager or designee to develop and implement policies and procedures and other actions necessary to cause the County to comply with the HIPAA Transaction and Code Set, Privacy, Security, Unique Identifiers, and Data Breach Notification requirements for hybrid entities.

This fifth amendment restates and supersedes Resolution 4-1-03-1 and all subsequent amendments thereto and is effective upon its adoption by the Board and the execution thereof.

PASSED, ADOPTED AND APPROVED THIS ____ day of _____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

BY: _____
MICHAEL NAFT, Chairman

ATTEST: _____
LYNN GOYA, County Clerk

The above amendment has been reviewed by the Deputy District Attorney:



KIMBERLY BUCHANAN, Chief Deputy District Attorney