

# CLARK COUNTY BOARD OF COMMISSIONERS

## AGENDA ITEM

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**Petitioner:** Angela Darragh, Director, Audit

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**Recommendation:**

**Approve a revision to the HIPAA Business Associate Agreement, to authorize each Department Head to sign these documents. (For possible action)**

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**FISCAL IMPACT:**

Fund #:	N/A	Fund Name:	N/A
Fund Center:	N/A	Funded PGM/Grant:	N/A
Amount:	N/A		
Description:	N/A		
Additional Comments:	N/A		

**BACKGROUND:**

On April 1, 2003, the Board of County Commissioners approved and adopted a resolution to designate Clark County as a Hybrid Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and designated its Health Care Components. Those Components, including University Medical Center, are covered under HIPAA mandates and regulations.

In order to comply with the regulations, Clark County developed a Notice of Privacy Practices and Business Associate Agreement, which were approved on November 18, 2003. The Business Associate Agreement was revised April 19, 2005, November 20, 2007, May 6, 2008, and March 16, 2010. The Notice of Privacy Practices was revised December 20, 2006 and November 11, 2008, and the Notice of Privacy Practices for the Fire Department was approved on September 7, 2010.

On January 25, 2013, the Secretary of the U.S. Department of Health and Human Services (HHS) published modification to 45 CFR Part 160 and Part 164 (the "HIPAA Omnibus Rule"). Those changes require that Clark County again revise the Notice of Privacy Practices and Business Associate Agreements in order to demonstrate that Clark County is appropriately informing patients of their privacy rights and informing business associates of their requirements to protect and secure health information, in compliance with HIPAA. On October 27, 2020, Clark County again updated both the Notice of Privacy Practices and the Business Associate Agreement, to incorporate recent legislative changes. In addition, the HIPAA Program Management Office Charter was updated on October 27, 2020 to clarify voting member classifications.

On May 3, 2021, The HIPAA Program Management Office updated the Business Associate Agreement to authorize each Department Head to sign these documents, as previously approved by this Board on March 16, 2010.

Cleared for Agenda

**05/18/2021**

File ID#

**21-676**