

Macomb County's Statement on Designation as a Hybrid Entity under HIPAA Regulations

Introduction

The Health Insurance Portability and Accountability Act (HIPAA) and its implementing regulations apply to individuals and organizations designated in the law/regulations as covered entities. These covered entities include: (1) individual or group health plans; (2) health care providers who conduct certain transactions electronically; and (3) health care clearinghouses. Although the County of Macomb ("Macomb County") does not primarily engage in any of these activities, the vast majority of governmental services and functions being unrelated to the provision of healthcare, a small percentage of units within the Macomb County government may perform functions that bring them within the definition of a covered health care provider under HIPAA.

Organizations such as Macomb County that have both covered entity departments and non-covered entity departments may choose to be designated as hybrid entities. In this case, Macomb County must designate and include in its HIPAA "health care component", that is to say those departments within the County of Macomb that would meet the definition of a covered entity if they were separate legal entities. In this case, although Macomb County as a hybrid entity remains responsible for oversight, compliance, and enforcement obligations, the HIPAA requirements apply only to the health care component.

Designation of Health Care Components

Macomb County has designated certain departments as constituting its healthcare components based on one or more of the following criteria:

A department that would meet the definition of a covered entity if it were a separate legal entity.

A department that performs covered functions or transactions under HIPAA.

A department that performs activities that would make it a business associate if it were a separate legal entity.

Note: A business associate is a person or organization that performs or assists a covered entity in the performance of a function that involves the use or disclosure of protected health information on behalf of a covered entity.

Note: Protected Health Information (PHI) specifically excludes student health care treatment records and student education records maintained by Macomb

County, as defined and covered under the Family Education Rights and Privacy Act of 1974 (FERPA) and any employment records, including employee health records, maintained by a covered entity, including a hybrid entity, in its capacity as an employer.

The following departments of Macomb County have been designated as its health care components and are required to comply with any applicable HIPAA regulations:

Health Care Components

Macomb County Health Department (“MCHD”), if its health care providers conduct any standard HIPAA transactions electronically, directly or through a vendor;

Macomb County Community Mental Health (“MCCMH”), if its health care providers conduct any standard HIPAA transactions electronically, directly or through a vendor;

Internal Supporting Departments

Information Technology Department (“IT”). This department provides technology solutions and support to the Health Care Components, in support of their provision of healthcare services. To the extent any IT personnel receives, maintains, or transmits protected health information, in support of any Health Care component, they will comply with MCHD or MCCMH HIPAA Policies and Procedures.

Finance Department. The Finance Department manages the expenditures of all County departments, including the Health Department and Community Mental Health, and supervises the County budget. In addition it is responsible for administrative responsibilities, such as accounting, where staff may receive and transmit documents containing protected health information.

Planning & Economic Development. Through its planning and mapping support services, this department assists the Health Care Components in gathering and analyzing data that can be used by to develop and maintain data “dashboards” for use by individuals that the Health Care Components serve, and to support the Health Care Components’ operations.

Department of Corporation Counsel. This department provides legal counsel and assistance to the Health Care Components, in support of their provision of healthcare services. To the extent any Corporation Counsel personnel receives, maintains, or transmits protected health information, in support of any Health Care component, they will comply with MCHD or MCCMH HIPAA Policies and Procedures.

Central Receiving/Archives Department. This department provides paper destruction and archiving services to the Health Care Components. To the extent any Central Receiving/Archives Department personnel receives, maintains, or transmits protected health information, in support of any Health Care component, they will comply with MCHD or MCCMH HIPAA Policies and Procedures.

Purchasing Department (Internal Courier Service). This department provides internal courier services between MCHD and/or MCCMH buildings in support of their provision of healthcare services. To the extent any Purchasing Department personnel receives, maintains, or transmits protected health information, in support of any of these Health Care Components, they will comply with MCHD or MCCMH HIPAA Policies and Procedures.

Facilities & Operations Department (“F&O”). This department provides building maintenance, custodian, and housekeeping services to MCHD and/or MCCMH buildings in support of their provision of healthcare services. The functions of F&O staff do not involve the use or disclosure of PHI, and any access to PHI would be incidental. Consequently, MCHD and MCCMH will comply with all regulations related to safeguarding against disclosure.

Macomb Community Action (“MCA”). This department provides services in support of MCHD’s provision of healthcare services, including transportation services to MCHD patients. The functions of MCA staff do not involve the use or disclosure of PHI, and any access to PHI would be incidental. Consequently, MCHD will comply with all regulations related to safeguarding against disclosure.

Human Resources and Labor Relations Department (“HRLR”). Macomb County, through its Department of Human Resources, maintains employee health records in its capacity as an employer, which are excluded from the definitions of PHI under HIPAA.

HRLR maintains various employee health insurance records in its capacity as employer sponsor of the County’s group health plans. HRLR is not one of the County’s health care components. The group health plans offered to Macomb County’s employees and retirees are separate legal entities covered by HIPAA, independent of Macomb County. These plans currently include medical and dental care, prescription drug benefits, flexible spending accounts, and an employee assistance program. The plans have HIPAA compliance obligations separate and apart from the County and they are not health care components of Macomb County.

To the extent any HRLR personnel receives, maintains, or transmits protected health information, in support of any of these Health Care Components, they will comply with MCHD or MCCMH HIPAA Policies and Procedures.

Designation of Privacy and Security Officers

Macomb County designates the following individuals as its Privacy Officer and Security Officer for the County's health care components:

Health Department

Designated Privacy Officer: Whitney Litzner

Designated Security Officer: Steven Monato

Community Mental Health

Designated Privacy Officer: Kimberly Cope

Designated Security Officer: Bill Adragna

For any questions about Macomb County's compliance with applicable HIPAA, FERPA, or state privacy and security laws and regulations regarding individually identifiable health information, please contact one of these officers.