



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		September 26, 2016		
Department:		City Manager		
Department Head		Bruce D. Glasscock		
Agenda Coordinator (include phone #): Cindy Pierce, ext. 5161				
CAPTION				
A Resolution of the City of Plano, Texas designating the City of Plano as a HIPAA Hybrid Entity in compliance with the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"); and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2015-16	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	0	0
BALANCE		0	0	0
FUND(S): N/A				
COMMENTS: This item has no fiscal impact.				
SUMMARY OF ITEM				
A Resolution designating the City of Plano as a HIPAA Hybrid Entity. Employees in Fire-Rescue, Human Resources, Technology Services and other departments that fulfill a role in providing services involving protected health information must fully comply with the procedures for securing such protected health information and complete the required training as required by HIPAA.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Resolution				

A Resolution of the City of Plano, Texas designating the City of Plano as a HIPAA Hybrid Entity in compliance with the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”); and providing an effective date.

WHEREAS, the City of Plano, Texas (the “City”) is committed to compliance with all applicable laws including, but not limited to, the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and regulations promulgated thereunder by the U.S. Department of Health and Human Services; and

WHEREAS, the City Council has authorized the implementation of any necessary policies and procedures necessary to implement this Hybrid Designation and to ensure compliance with HIPAA and other applicable laws; and

WHEREAS, the City Council has determined that the City may more effectively and efficiently ensure HIPAA compliance by designating the City as a “hybrid entity,” as that term is defined under HIPAA at 45 CFR § 164.103.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS THAT:

Section I. The City Council of the City of Plano hereby designates the City as a “hybrid entity,” pursuant to 45 CFR §164.105(a)(2)(iii)(D).

Section II. This appointment shall be for a term of two years pursuant to Section 121.023 of the Health and Safety Code.

Section III. The following City Departments are hereby designated as part of the health care component of the City’s hybrid entity:

- (i) City of Plano Fire-Rescue
- (ii) City of Plano Human Resources
- (iii) City of Plano Technology Services

Section IV. When performing services on behalf of a designated health care component of the City, City employees are designated as workforce members of that health care component when performing services involving Protected Health Information (“PHI”). This includes, but is not limited to, legal, accounting, consulting, risk management and other services on behalf of a health care component when the services involve the creation, receipt, maintenance or transmittal of PHI.

Section V. All other City Departments or Divisions not otherwise specified or designated as health care components are hereby designated as non-health care components.

Section VI. Health care components may only exchange PHI with non-health care components if doing so is permitted by HIPAA and City policies. Any person who performs duties for both health care components and non-health care components must not use or disclose PHI in a way that would be impermissible under HIPAA or the City's policies.

Section VII. The City Council hereby approves implementation of any policies and procedures necessary to comply with HIPAA requirements for hybrid entities.

Section VIII. The City Council hereby directs all City Departments to comply with any hybrid entity policies and procedures implemented by the City, as applicable.

Section IX. Each Director of a Department shall immediately report all complaints, suspected breaches of PHI, security incidents, suspected HIPAA violations or other issues related to the City's HIPAA compliance to the City's Privacy Officer.

Section X. City employees shall only access PHI in accordance with their specific job functions and only for a legitimate work related purpose in accordance with all City policies and procedures and the HIPAA regulations. Any employees who do not comply with the City's policies or procedures, or HIPAA, may be subject to discipline.

Section XI. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the 26th of September, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY