

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

RESOLUTION NO. 2022 - 060

A RESOLUTION RECOGNIZING SANTA FE COUNTY AS A HYBRID ENTITY IN COMPLIANCE WITH THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA), REPEALING RESOLUTION 2003-59, AND DELEGATING TO THE COUNTY MANAGER AUTHORITY TO ADOPT, REVOKE AND AMEND HIPAA POLICIES AND PROCEDURES

WHEREAS, in 2000, the U.S. Department of Health and Human Services (HHS) published 45 CFR Part 160, and Subparts A and E of Part 164, referred to as "The Privacy Rule", with an effective date of 2003, to support the Health Insurance Portability and Accountability Act of 1996 (HIPAA), by setting a national standard for protecting individual medical records and other personal health information; and

WHEREAS, pursuant to the Privacy Rule, Santa Fe County (the County) qualifies as a hybrid entity, as the County performs both HIPAA covered and non-covered functions; and

WHEREAS, a hybrid entity may designate functions, known as health care components, which are covered by the Privacy Rule; and

WHEREAS, Santa Fe County Resolution 2003-59 recognized the County as a hybrid entity pursuant to the Privacy Rule; and

WHEREAS, the County has now reevaluated its hybrid status and seeks to designate the current health care components of the County which are covered by the Privacy Rule; and

WHEREAS, the Fire Department, the Human Resources Division only as to the Self-insured Health Plan, the Finance Division only as to its participation in processing Fire Department reimbursements for medical services, the Information Technology Division, the County Attorney's Office to the extent it is involved in the Self-insured Health Plan, the remainder of the County Manager's Office to the extent that office is involved in the Self Insured Health Plan, and the Public Safety Department with regard to adult and juvenile inmates and detainees, currently constitute health care components of the County; and

WHEREAS, the County must designate a Privacy Officer responsible for certain aspects of the County's policies and procedures covering the privacy of, and access to, patient health information maintained by the health care components of Santa Fe County; and

WHEREAS, the County must also designate a Security Officer responsible for the security of patient health information maintained by the health care components of Santa Fe County.

NOW, THEREFORE, BE IT RESOLVED that the Santa Fe County Board of County Commissioners that Santa Fe County is hereby recognized as a hybrid entity in compliance with the HIPPA Privacy Rule.

SFC CLERK RECORDED 07/27/2022

BE IT FURTHER RESOLVED that the Fire Division, the Human Resources Division only as to the Self-insured Health Plan, the Finance Division only as to its participation in processing Fire Department reimbursements for medical services, the Information Technology Division, the County Attorney's Office to the extent it is involved in the Self-insured Health Plan, the remainder of the County Manager's Office to the extent that office is involved in the Self Insured Health Plan, and the Public Safety Department with regard to adult and juvenile inmates, are the health care components of the County.

BE IT FURTHER RESOLVED that the Human Resources and Risk Management Director or that individual's designee shall be the Privacy Officer for the County, with authority to delegate those responsibilities to any position within the Human Resources and Risk Management Office.

BE IT FURTHER RESOLVED that the IT Security Administrator I shall be the Security Officer for the County.

BE IT FURTHER RESOLVED that the County Manager is authorized to adopt, revoke and amend as required from time to time, security and privacy policies and procedures compliant with HIPAA.

BE IT FURTHER RESOLVED that Resolution 2003-59 is hereby repealed.

PASSED, APPROVED, AND ADOPTED THIS 27th DAY OF July, 2022.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: Anna T. Hamilton
Anna T. Hamilton, Chair

ATTEST:

Katharine E. Clark
Katharine E. Clark, County Clerk

Date: 07/27/22



APPROVED AS TO FORM:

Jeff Young
Jeff Young County Attorney

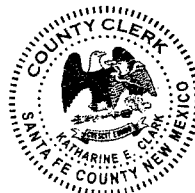
Date: 7-19-22

SFC CLERK RECORDED 07/27/2022

BCC RESOLUTIONS
PAGES: 2

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

I Hereby Certify That This Instrument Was Filed for Record On The 27TH Day Of July, 2022 at 10:47:59 AM And Was Duly Recorded as Instrument # 1993833 Of The Records Of Santa Fe County



Witness My Hand And Seal Of Office
Katharine E. Clark

Deputy Dorothy Romero County Clerk, Santa Fe, NM e 2 of 2