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PURPOSE OF

CONTRACT/AGREEMENT: HIPAA SECURITY POLICY

CLACKAMAS COUNTY HIPAA SECURITY POLICY

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Clackamas County HIPAA Security Policy
Effective April 21, 2005

Introduction

Clackamas County is a "hybrid covered entity" under the federal Health Insurance Portability and Accountability Act (HIPAA). As a hybrid entity the County has departments that are "covered healthcare components" regulated by HIPAA and other departments that are not. Unless otherwise specified the following policy applies only to County covered healthcare components identified in "Appendix A" to this policy.

This policy is designed to assure the rights of individuals' electronic protected health information and to fulfill Clackamas County's obligations under HIPAA. Nothing in this policy is intended to or shall be construed as conflicting with HIPAA terms or the HIPAA Security Rule, 45 CFR part 164, subpart C.

1. Notice of Security Practices
45 CFR 164.306(a)

Clackamas County recognizes its responsibilities to ensure the confidentiality, integrity, and availability of all electronic protected health information that the County creates, receives, maintains or transmits.

For purposes of this policy the term "protected health information" has the same meaning as in 45 CFR 164.501, and the term "confidentiality" has the same meaning as in 45 CFR 164.304.

Clackamas County will take measures to protect against any reasonably anticipated threats or hazards to the security or integrity of such information.

For purposes of this policy the terms "security" and "integrity" have the same meanings as in 45 CFR 164.304.

Clackamas County will take measures to protect against reasonably anticipated uses or disclosures of such information that are not permitted or required under the HIPAA Rule, 45 CFR, Part 164, Subpart E.

Clackamas County will take measures to ensure compliance with the HIPAA Security Rule by its workforce that is subject to the Rule.

Clackamas County may use any security measures that allow the County to reasonably and appropriately implement the standards and implementation specifications of the HIPAA Security Rule, 45 CFR, Part 164, Subpart C.

2. Notice of Security Standards
45 CFR 164.306(c)

Clackamas County covered healthcare components will comply with the standards as provided in 45 CFR 164.306, Sec. 164.308, Sec. 164.310, Sec. 164.312, Sec. 164.314 and Sec. 164.316 with respect to all electronic protected health information.

3. Policies And Procedures
45 CFR 164.316(a)

Clackamas County covered healthcare components will implement reasonable and appropriate policies and procedures to comply with the standards, implementation specifications or other requirements of the HIPAA Security Rule, taking into account the factors set out in Sec. 164.306(b)(2)(i) – (iv). Clackamas County covered healthcare components may change their policies and procedures at any time, provided that the changes are documented and are implemented in accordance with 45 CFR part 164, subpart C of the HIPAA Security Rule.

The County HIPAA Security Policy will be developed and maintained by the County Security Officer, and approved by the County Administrator by the authority of Clackamas County Code, chapter 2.09.

Covered healthcare components' policies and procedures will be implemented and maintained by the Security Manager of the covered component.

Policies and procedures will be retained in compliance with the requirements of the HIPAA Security Rule, 45 CFR, Part 164, Subpart C, and with established County record retention schedules.

4. Security Officer
45 CFR 164.308(a)(2)

The County will designate a Security Officer who is responsible for the development and implementation of the policies and procedures required by the HIPAA Security Rule.

5. Security Management Process
45 CFR 164.308(a)(1)

Clackamas County covered healthcare components will implement policies and procedures to prevent, detect, contain and correct security violations.

6. Complaint Procedure
45 CFR 164.530(d)

Clackamas County has a policy for privacy complaints under HIPAA which is hereby incorporated into the County's Security Policy. The County will follow the procedures set forth in the Privacy Policy for complaints made under the HIPAA Security Rule.

7. Risk Analysis
45 CFR 164.308(a)(1)(A)

Clackamas County will conduct an accurate and thorough assessment of the potential risks and vulnerabilities to the confidentiality, integrity, and availability of electronic protected health information held by the County.

For purposes of this policy the term "availability" has the same meaning as in 45 CFR 164.304.

8. Risk Management
45 CFR 164.308(a)(1)(B)

Clackamas County covered healthcare components will implement security measures sufficient to reduce risks and vulnerabilities to electronic protected health information to a reasonable and appropriate level.

9. Sanction Policy
45 CFR 164.308(a)(1)(C)

Clackamas County will apply appropriate sanctions against employees, volunteers, interns and members of its workforce who fail to comply with the security policies and procedures of the County. When sanctions have been applied the Security Officer will document that action.

10. Information System Activity Review
45 CFR 164.308(a)(1)(D)

Clackamas County Information Services department will implement procedures to regularly review records of information system activity, such as audit logs, access reports, and security incident tracking reports.

For purposes of this policy the term "security incident" has the same meaning as in 45 CFR 164.304.

11. Workforce Security Standard
45 CFR 164.308(a)(3)

Clackamas County covered healthcare components will implement policies and procedures to ensure that all members of its workforce have appropriate access to electronic protected health information and to prevent those workforce members who do not have access from obtaining access to electronic protected health information.

For purposes of this policy the term "access" has the same meaning as in 45 CFR 164.304.

12. Information Access Management
45 CFR 164.308(a)(4)

Clackamas County's covered healthcare components will implement policies and procedures for authorizing access to electronic protected healthcare information that are consistent with the applicable requirements of the HIPAA Security Rule, 45 CFR, Part 164, Subpart C.

13. Training Workforce Regarding Security Awareness and Policies
45 CFR 164.308(a)(5)

Clackamas County covered healthcare components will train employees and other members of its workforce regarding the county HIPAA security policy and healthcare component procedures as necessary and appropriate for the workforce member to carry out his or her specific job functions. Training of all affected employees and other workforce members will be documented and maintained by the covered component.

14. Security Incident Procedures
45 CFR 164.308(a)(6)

Clackamas County covered healthcare components will implement policies and procedures to address security incidents.

For purposes of this policy the term "security incident" has the same meaning as in 45 CFR 164.304.

15. Contingency Plan
45 CFR 164.308(a)(6)

Clackamas County Information Services will implement policies and procedures as needed to respond to an emergency or other occurrence that damages systems that contain protected healthcare information.

16. Evaluation Standard
45 CFR 164.308(a)(8)

Clackamas County Information Services will perform a technical and nontechnical evaluation, based initially on the standards implemented under this rule, and subsequently in response to environmental or operational changes affecting the security of electronic protected health information, that establishes the extent to which the County's security policies and procedures meet the requirements of the HIPAA Security Rule, 45 CFR, Part 164, Subpart C.

17. Business Associate Agreements

45 CFR 164.308(b)

Clackamas County covered healthcare components will include HIPAA business associate contract specifications in all service contracts with business associates.

For purposes of this policy the term "business associate" has the same meaning as in 45 CFR 160.103.

Clackamas County covered healthcare components may permit a business associate to create, receive, maintain, or transmit electronic protected health information on the covered healthcare components' behalf only if the County obtains satisfactory assurances that the business associate will appropriately safeguard the information.

18. Facility Access Controls

45 CFR 164.310(a)(1)

Clackamas County Information Services will implement policies and procedures to limit physical access to its electronic information systems and the facility or facilities in which they are housed, while ensuring that properly authorized access is allowed.

For purposes of this policy the term "facility" has the same meaning as in 45 CFR 164.304.

19. Workstation Use Standard

45 CFR 164.310(c)

Clackamas County covered healthcare components will implement policies and procedures that specify the proper functions to be performed, the manner in which those functions are to be performed, and the physical attributes of the surroundings of a specific workstation or class of workstation that can access electronic protected health information.

For purposes of this policy the term "workstation" has the same meaning as in 45 CFR 164.304.

20. Workstation Security Standard

45 CFR 164.310(b)

Clackamas County covered healthcare components will implement physical safeguards for all workstations that access electronic protected health information, to restrict access to authorized users.

For purposes of this policy the term "physical safeguards" has the same meaning as in 45 CFR 164.304.

21. Device and Media Controls Standard

45 CFR 164.310(d)(1)

Clackamas County Information Services will implement policies and procedures that govern the receipt and removal of hardware and electronic media that contain electronic protected health information into and out of a facility, and the movement of these items within the facility.

22. Technical Safeguard Access Control Standard

45 CFR 164.312(a)(1)

Clackamas County covered healthcare components will implement technical policies and procedures for electronic information systems that maintain electronic protected health information to allow access only to those persons or software programs that have been granted access rights.

23. Audit Controls Standard

45 CFR 164.312(b)

Clackamas County Information Systems department will implement hardware, software, and/or procedural mechanisms that record and examine activity in information systems that contain or use electronic protected health information.

24. Integrity Of Electronic Protected Health Information

45 CFR 164.312(c)(1)

Clackamas County covered healthcare components will implement policies and procedures to protect electronic protected health information from improper alteration or destruction.

25. Person Or Entity Authentication

45 CFR 164.312(d)

Clackamas County covered healthcare components will implement procedures to verify that a person or entity seeking access to electronic protected health information is the one claimed.

26. Transmission Security Standard

45 CFR 164.312(e)(1)

Clackamas County covered healthcare components will implement technical security measures to guard against unauthorized access to electronic protected health information that is being transmitted over an electronic communications network.

27. Maintenance Rules

45 CFR 164.306(e)

Clackamas County covered healthcare components will review security measures implemented to comply with standards under the HIPAA Security Rule, 45 CFR part 164, Subpart C, and will modify them as needed to continue to provide reasonable and appropriate protection of electronic protected health information.

28. Documentation

45 CFR 164.316(b)(1) (i) and (ii)

Clackamas County covered healthcare components will maintain the policies and procedures implemented to comply with the HIPAA Security Rule, 45 CFR part 164, Subpart C, in written (which may be electronic) form.

Clackamas County covered healthcare components will maintain a written (which may be electronic) record of any action, activity or assessment which is required by the HIPAA Security Rule, 45 CFR part 164, Subpart C.

29. Time Limits For Retention Of Documents

45 CFR 164.316(b)(1)(i) through (iii)

Clackamas County covered healthcare components will retain the documentation required by Sec. 164.316(b)(1) for 6 years from the

date of its creation or the date when it was last in effect, whichever is later.

APPENDIX A

Clackamas County is a hybrid covered entity under the federal Health Insurance Portability and Accountability Act (HIPAA). The Clackamas County Administrator has designated the following departments and divisions as "covered healthcare components" of the County hybrid covered entity:

- Mental Health
- Public Health
- Social Services (Medicaid program function)
- DES (County self-insured health plan function)
- IS
- Records Management
- County Counsel
- Jail Medical