



# COUNTY OF HUMBOLDT

## Legislation Text

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File #: 22-1478, Version: 1

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**To:** Board of Supervisors

**From:** DHHS: Behavioral Health

**Agenda Section:** Consent

**SUBJECT:**

Business Associate Agreement with California Mental Health Services Authority Regarding the Exchange of Protected Health Information

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Approve, and authorize the Department of Health and Human Services - Behavioral Health Director, or a designee thereof, to execute, the attached business associate agreement with California Mental Health Services Authority regarding the exchange of Protected Health Information;
2. Authorize the Department of Health and Human Services - Behavioral Health Director, or a designee thereof, to execute any and all subsequent amendments to the attached business associate agreement with California Mental Health Services Authority; after review and approval by County Counsel, Risk Management and the County Administrative Office; and
3. Direct the Clerk of the Board to provide the Department of Health and Human Services - Contract Unit with one (1) certified copy of the Board Order pertaining to this item.

**SOURCE OF FUNDING:**

Behavioral Health Fund (1170)

**DISCUSSION:**

California Mental Health Services Authority (“CalMHSA”) is a Joint Powers Authority created by counties in 2009 at the instigation of the California Mental Health Directors Association to jointly develop and fund mental health services and education programs. CalMHSA performs or provides functions, activities or services to the Humboldt County Department of Health and Human Services - Behavioral Health (“DHHS - Behavioral Health”) that requires CalMHSA to create, access, receive, maintain and/or transmit information that includes or that may include Protected Health Information (“PHI”), as defined by the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”). As such, CalMHSA is a Business Associate as defined by the HIPAA rules and is therefore subject to those provisions of the HIPAA rules that are applicable to Business Associates.

The HIPAA rules require a written agreement between CalMHSA and DHHS - Behavioral Health in

order to mandate certain protections for the privacy and security of PHI, and these HIPAA rules prohibit the disclosure to, or use of, PHI by CalMHSA, if such an agreement is not in place. In addition, the California Department of Health Care Services (“DHCS”) requires CalMHSA and DHHS - Behavioral Health to include certain protections for the privacy and security of personal information, sensitive information, personally identifiable information and other confidential information not subject to HIPAA.

Accordingly, DHHS - Behavioral Health recommends that the Board of Supervisors approve, and authorize the DHHS - Behavioral Health Director, or a designee thereof, to execute, the attached business associate agreement with CalMHSA regarding the exchange of PHI. It is also recommended that the Board authorize the DHHS - Behavioral Health Director, or a designee thereof, to approve any and all subsequent amendments to the attached business associate agreement with CalMHSA, after review and approval by County Counsel, Risk Management and the County Administrative Office, in order to avoid any unnecessary delays in the exchange of PHI.

FINANCIAL IMPACT:

There are no direct costs associated with the attached business associate agreement with CalMHSA. As a result, approval of the attached business associate agreement with CalMHSA will not impact the Humboldt County General Fund.

STRATEGIC FRAMEWORK:

The recommended actions support the Board of Supervisors’ Strategic Framework by protecting vulnerable populations, supporting self-reliance of citizens, improving the safety and health of our communities and providing community-appropriate levels of services.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may choose not to approve the attached business associate agreement with CalMHSA regarding the exchange of PHI. However, this alternative is not recommended since it would impact DHHS - Behavioral Health’s ability to participate in, and meet the objectives of, various CalMHSA programs and provide for more efficient use of resources, better outcomes and improved adherence to state requirements and reporting.

ATTACHMENTS:

1. Business Associate Agreement with California Mental Health Services Authority Regarding the Exchange of Protected Health Information

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A