



# COUNTY OF HUMBOLDT

## Legislation Text

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**File #:** 19-1087, **Version:** 1

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**To:** Board of Supervisors

**From:** DHHS: Social Services

**Agenda Section:** Consent

**SUBJECT:**

Medi-Cal Privacy and Security Agreement with the California Department of Health Care Services

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Approve the attached Medi-Cal Privacy and Security Agreement with the California Department of Health Care Services (CDHCS);
2. Authorize the Department of Health and Human Services (DHHS) - Social Services Director to sign the agreement and any subsequent amendments or other documents related to this agreement; and
3. Direct the Clerk of the Board to forward one certified copy of the board report to the DHHS - Contract Unit.

**SOURCE OF FUNDING:**

Social Services Fund

**DISCUSSION:**

The CDHCS receives federal funding to administer the Medi-Cal program, which provides funding to DHHS-Social Services in exchange for DHHS-Social Services' assistance in administering the Medi-Cal program. The County Welfare Directors Association (CWDA) aided California counties in negotiating the attached proposed Medi-Cal data privacy and security agreement with CDHCS. The proposed updated Medi-Cal data privacy and security agreement, which strives to ensure the privacy and security of Medi-Cal personally identifiable information (PII), will replace the current Medi-Cal data privacy and security agreement that was approved by the Board on Aug. 23, 2016 (item C-10).

DHHS-Social Services staff obtains Medi-Cal PII when performing the administrative function of Medi-Cal. The Medi-Cal data privacy and security agreement covers DHHS-Social Services workers who assist in the administration of the Medi-Cal program, and who access, use and disclose Medi-Cal PII. Medi-Cal PII consists of any information used to identify an individual, including but not limited to a person's name, social security number, date of birth, driver's license number, or identification number. Medi-Cal PII may also include any information that is linkable to an individual, such as

medical, educational, financial and employment information.

Under the terms of this agreement, DHHS-Social Services staff may use or disclose this information only to perform functions, activities or services directly related to the administration of the Medi-Cal program. Additionally, DHHS staff will be trained on the requirements of the agreement to safeguard Medi-Cal PII. DHHS-Social Services will train all new staff within 30 days of employment and will provide ongoing reminders on the privacy and security requirements. DHHS-Social Services has established and will maintain ongoing oversight for monitoring workforce compliance. DHHS-Social Services also agrees to ensure that all Medi-Cal PII is physically safe from access by unauthorized persons and will comply with the computer security safeguards outlined in the agreement.

It should be noted that two of the attachments to the agreement are considered highly confidential and therefore cannot be disclosed in an open session of the Board. These documents are the Computer Matching and Privacy Protection Act agreement between the Social Security Administration (SSA) and DHHS as well as the Computer Matching agreement between the Department of Homeland Security, Citizenship and Immigration Services and CDHCS. The documents are not consequential to the agreement before the Board today. These agreements include highly sensitive and confidential information and are not public records.

At this time, DHHS-Social Services recommends the Board approve this agreement and authorizes the DHHS-Social Services Director to sign the agreement and any subsequent amendments or other documents related to this agreement.

#### FINANCIAL IMPACT:

The cost of maintaining and operating the security safeguards associated with this agreement have been anticipated and included in the fiscal year 2019-20 fund 1160, budget unit 511. Costs vary from year to year and are included in DHHS's routine system upgrades and maintenance activities. There will be no impact to the county's General Fund.

#### STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents and creating opportunities for improved safety and health.

#### OTHER AGENCY INVOLVEMENT:

County Welfare Directors Association (CWDA)

#### ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board of Supervisors can choose not to approve the agreement. This is not recommended because the United States SSA requires that CDHCS enters into these agreements with all California county Health & Human Services Departments that are required to sign the 2019 agreement.

#### ATTACHMENTS:

Attachment 1: Agreement with CA DHCS for Medi-Cal Data Privacy and Security

PREVIOUS ACTION/REFERRAL:

Board Order No.: D-12, C-21, C-10

Meeting of: 9/16/08, 8/13/13, 8/23/16

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