



Legislation Text

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031016

SUBSTITUTE 1

THE CHAIR

Substitute resolution authorizing the Health Commissioner to enter into and to execute Business Associate agreements pursuant to the Health Insurance Portability and Accountability Act of 1996.

..Analysis

This resolution provides standing authority for the Health Commissioner to enter into Business Associate agreements required by federal regulations implementing the Health Insurance Portability and Accountability Act of 1996 in connection with Health Department operations.

Resolution

Whereas, The Health Insurance Portability and Accountability Act of 1996 (HIPAA) imposes certain limits on the uses and disclosure of personally identifiable health care information; and

Whereas, These limits on use and disclosure are set forth in 45 C.F.R. Parts 160 and 164 (the "Privacy Rule"); and

Whereas, In the ordinary course of its operations, it is necessary from time to time for the City of Milwaukee Health Department to make certain uses and disclosures of personally identifiable health information, to the extent permitted by law; and

Whereas, The Privacy Rule requires the execution and delivery of agreements documenting compliance with its provisions when the Health Department contracts with Business Associates (as defined in 45 C.F.R. § 160.103) for services subject to the provisions of the Privacy Rule, and in other instances when the Health Department acts as a Business Associate in providing services to third parties; and

Whereas, In such cases, a Business Associate Contract (as defined in 45 C.F.R. § 164.502(e)(2)) is required by the Privacy Rule and that the Health Commissioner possesses the requisite authority to enter into and execute Business Associate Contracts in conformance with the Privacy Rule; and

Whereas, The City of Milwaukee wishes to ensure that its Health Department complies with the Privacy Rule;

now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Health Commissioner be and hereby is authorized, on behalf of the City of Milwaukee, to enter into, execute and deliver Business Associate Contracts (as defined in 45 C.F.R. section 164.502(e)(2)) when required by law in order for the Health Department to conduct its activities and operations in compliance with HIPAA and its implementing regulations.

Health Department

EHT:SSM:eht
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