



Fulton County

Legislation Details (With Text)

File #: 22-0423 **Version:** 1 **Name:**

Type: Consent - Health and Human Services **Status:** Agenda Ready

File created: 5/6/2022 **In control:** Board of Commissioners

On agenda: 6/15/2022 **Final action:**

Title: Request approval for Business Associate Agreements between Fulton County and subrecipients receiving grant funds via the Department for HIV Elimination. Request authorization for the Chairman to execute Business Associate Agreements with subrecipients. To protect the interest of the County, the County Attorney is authorized to approve the Business Associate Agreements as to form and substance and make any necessary modifications thereto prior to execution by the Chair.
(APPROVED UPON ADOPTION OF THE CONSENT AGENDA)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Business Associate Agreement Fulton County and Department for HIV Elimination and Clarke County BOH

Date	Ver.	Action By	Action	Result
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Department

Department for HIV Elimination

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Request approval for Business Associate Agreements between Fulton County and subrecipients receiving grant funds via the Department for HIV Elimination. Request authorization for the Chairman to execute Business Associate Agreements with subrecipients. To protect the interest of the County, the County Attorney is authorized to approve the Business Associate Agreements as to form and substance and make any necessary modifications thereto prior to execution by the Chair.
(APPROVED UPON ADOPTION OF THE CONSENT AGENDA)

Requirement for Board Action *(Cite specific Board policy, statute or code requirement)*

42 USC 1320d, et seq.; 45 C.F.R. 160 and 164 (the "HIPAA Privacy Rule")

Strategic Priority Area related to this item *(If yes, note strategic priority area below)*

Health and Human Services

Commission Districts Affected

- All Districts ☒
- District 1 ☐
- District 2 ☐
- District 3 ☐

District 4 ☐
District 5 ☐
District 6 ☐

Is this a purchasing item?

No

Summary & Background *(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

The Department for HIV Elimination recommends approval for Business Associate Agreements between Fulton County and subrecipients receiving grant funds via the Department for HIV Elimination.

Fulton County is a “covered entity” under the Health Insurance Portability and Accountability Act (HIPAA), meaning that it handles protected health information (PHI), and stores and transmits such sensitive information through electronic means. HIPAA requires that covered entities enter into Business Associate Agreements (BAAs) with any other entity that creates, receives, maintains, or transmits PHI on behalf of a covered entity.

Fulton County has entered into agreements with subrecipients for the provision of HIV services pursuant to grants Fulton County has received from the Health Resources Services Administration, including Ryan White and Ending the HIV Epidemic grants. In performing responsibilities under these agreements, subrecipients may have access to PHI and as such are considered a business associate of a covered entity.

Business Associate Agreements will be entered into with: Clarke County Board of Health - Northeast Health District.

Scope of Work: NA

Community Impact: Compliance with HIPAA.

Department Recommendation: The Department for HIV Elimination recommends approval.

Project Implications: Clarity regarding the treatment of confidential and protected health information.

Community Issues/Concerns: The Department for HIV Elimination is not aware of any community issues/concerns regarding the agenda item.

Department Issues/Concerns: There are no Department issues/concerns regarding the agenda item.