

**YUMA COUNTY  
ADMINISTRATIVE MANUAL**

Adopted by Board of Supervisors: March 15, 2004 - Addendum No. 1

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SUBJECT:	DISCLOSURES TO THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES 45 CFR PART 160.310	ITEM NUMBER	<b>99-07</b>
		ID #:	0409
EFFECTIVE DATE:	APRIL 14, 2004	PAGE	1 OF 2

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Purpose

To establish a process for the employees of the County of Yuma (hereinafter "the County") to identify circumstances of when disclosure of an individual's (patient's, resident's, or client's) protected health information (PHI) may be required to be provided to the Secretary of the Department of Health and Human Services.

Background

County agencies designated as healthcare components must comply with privacy regulations promulgated under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA). They must also comply with Arizona laws and regulations pertaining to the use and disclosure of individually identifiable health information, unless such state laws and regulations are preempted by HIPAA.

HIPAA's privacy regulations outline many detailed requirements protecting the confidentiality of health information and providing individuals significant rights with respect to their health information. Compliance with these regulations is addressed in a series of County policies and procedures.

Definitions

*Note: The definitions below are in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Standards for Privacy of Individually Identifiable Health Information (Privacy Rule).*

*Individually Identifiable Health Information:* Information that identifies an individual (or could reasonably be used to identify an individual) that:

- Is created or received by the County; and
- Relates to the past, present, or future physical or mental health or condition of an individual;
- Relates to the provision of health care to an individual; or
- Relates to the past, present, or future payment for the provision of health care to an individual.

This includes demographic information (such as name, address, date of birth, sex, and race) collected from an individual.

*Protected Health Information (PHI):* Individually identifiable health information that is transmitted or maintained by electronic or any other medium.

*Secretary:* The U.S. Secretary of Health and Human Services or any other officer or employee

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of HHS to whom the authority involved has been delegated.

Policy

In compliance with state and federal laws and regulations, the County will take responsibility for the following:

1. Provide Records and Compliance Reports:

The covered components of the County will keep such records and submit such compliance reports, in such time and manner and containing such information, as the Secretary may determine to be necessary to enable the Secretary to ascertain whether the covered component has complied or is complying with the applicable requirements of 45 CFR Part 160 and the applicable standards, requirements, and implementation specifications of subpart E of 45 CFR Part 164.

2. Cooperate with Complaint Investigations and Compliance Reviews:

The covered components of the County will cooperate with the Secretary, if the Secretary undertakes an investigation or compliance review of the policies, procedures, or practices of a covered component to determine whether it is complying with applicable requirements of 45 CFR Part 160 and the standards, requirements, and implementation specifications of subpart E of 45 CFR Part 164.

3. Permit Access to Information:

- The covered components of the County will permit access by the Secretary during normal business hours (8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays) to its facilities, books, records, accounts, and other sources of information, including PHI, that are pertinent to ascertaining compliance with the applicable requirement of 45 CFR Part 160 and the standards, requirements, and implementation specifications of subpart E of 45 CFR Part 164. If the Secretary determines that exigent circumstances exist, such as when documents may be hidden or destroyed, the County will permit access by the Secretary at any time and without notice.
- If any information required of the covered component of the County under this policy is in the exclusive possession of any other agency, institution, or person and the other agency, institution, or person fails or refused to furnish the information, the County must certify and set forth what efforts it has made to obtain the information.

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References

45 CFR Part 160.310