

~~[Designating Various Departments as Health Care Components of the City and County of San Francisco - Hybrid Entity Under HIPAA The Plain English Description, Using New Title Format, Using Initial Upper Case Letters, Typed in Exactly 12 pt Spacing, Arial 12 pt, no More than 125 Characters/Spaces in Brackets [], Should Clearly State The Purpose of the Legislation as the Legal Title Sometimes Does Not State the Reason]~~

Resolution accepting the report of the City Administrator and adding the Department of Homelessness and Supportive Housing, the Controller's Office, and DataSF to the previous designation that included the Department of Public Health, Fire Department, Health Service System, City Attorney, Treasurer-Tax Collector and Department of Technology, as Health Care Components under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), pursuant to Administrative Code, Chapter 22H.~~Resolution approving using new legal title format, using upper/lower case letters, Arial 12 pt, exactly 24 pt spacing, bold, begins with word "Resolution" followed by word ending in "ing" (a gerund, i.e., approving), ends with period. Note: only legal title is in bold.~~

WHEREAS, Administrative Code, Chapter 22H was enacted on March 13, 2020, and requires the City and County of San Francisco to designate certain City departments as Health Care Components under the Health Insurance Portability and Accountability Act of 1996 (HIPAA); and

WHEREAS, The City performs certain functions as a health care provider and health plan that make it subject to HIPAA, and also performs many functions that are unrelated to healthcare and are not subject to compliance with HIPAA; and

1 WHEREAS, This structure makes San Francisco a single legal entity that engages in
2 functions covered by HIPAA and also in non-HIPAA-covered functions, known as a Hybrid
3 Entity; and

4 WHEREAS, Section 22H.4 of the Administrative Code requires the City Administrator
5 to not less than three years after the initial report, "issue a report identifying every City
6 department and/or division thereof that would meet the definition of a Covered Entity or
7 Business Associate if it were a separate legal entity...in consultation with the City Attorney;
8 based on a review of the functions performed by City departments and divisions thereof;" and

9 WHEREAS, Section 22H.4(c) states that upon issuing such report, the City
10 Administrator shall submit it to the Board of Supervisors, accompanied by a proposed
11 resolution to accept the report and to designate as Health Care Components the City
12 departments and/or divisions thereof that would meet the definition of a Covered Entity or
13 Business Associate if they were separate legal entities; and

14 WHEREAS, The last report (on file with the Clerk of the Board in File No. 210343)
15 identified the Department of Public Health, Fire Department, and Health Service System as
16 meeting the definition of a Covered Entity if they were a separate legal entity, but only to the
17 extent they perform covered functions, and the City Attorney, Treasurer-Tax Collector, and
18 Department of Technology as meeting the definition of a Business Associate if they were a
19 separate legal entity, but only to the extent they perform covered functions; and

20 WHEREAS, This report further identifies the Department of Homelessness and
21 Supportive Housing, the Controller's Office, and DataSF (a division under the Office of the
22 City Administrator) as meeting the definition of a Business Associate if they were a separate
23 legal entity; now, therefore, be it

24 RESOLVED, That the Board of Supervisors accepts the report of the City Administrator
25 that determines the Department of Public Health, Fire Department and Health Service

1 System continue to meet the definition of a Covered Entity if they were a separate legal
2 entity, but only to the extent that they perform covered functions; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors accepts the report of the City
4 Administrator that determines the City Attorney, Treasurer-Tax Collector and Department of
5 Technology, continue to meet the definition of a Business Associate if they were a separate
6 legal entity, but only to the extent that they perform covered functions; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors accepts the report of the City
8 Administrator that determines the Department of Homelessness and Supportive Housing, the
9 Controller's Office, and DataSF would meet the definition of a Business Associate if they
10 were a separate legal entity, but only to the extent that they perform covered functions; and,
11 be it

12 FURTHER RESOLVED, That the Board of Supervisors designates the Department of
13 Public Health, Fire Department, Health Service System, City Attorney, Treasurer-Tax
14 Collector, Department of Technology, the Department of Homelessness and Supportive
15 Housing, the Controller's Office, and DataSF as Health Care Components, but only to the
16 extent they perform covered functions; and, be it

17 FURTHER RESOLVED, That the Board of Supervisors requests that the designated
18 departments develop and implement policies and procedures relevant to their specific HIPAA
19 compliance responsibilities, subject to review by the City Attorney and approval by the City
20 Administrator. ~~WHEREAS, The first letter of the first word of the statement following the~~
21 ~~"WHEREAS," is capitalized and rest of text is in upper and lower case; and~~

22 ~~WHEREAS, Use this same format for each "WHEREAS" statement of fact; and~~

23 ~~WHEREAS, If reference is made to related materials (agreement, exhibit, map, etc.),~~
24 ~~do not use the word "attached." Use the following wording: on file with the Clerk of the Board~~
25

1 of Supervisors in File No. _____, which is hereby declared to be a part of this resolution as if
2 set forth fully herein; and

3 WHEREAS, The last "WHEREAS," statement ends with: -; now, therefore, be it
4 RESOLVED, That the first letter of the first word following the "RESOLVED," is
5 capitalized and rest of text is in upper and lower case; and, be it

6 FURTHER RESOLVED, That the first letter of the first word following "FURTHER
7 RESOLVED," is capitalized and rest of text is in upper and lower case; and, be it

8 FURTHER RESOLVED, That the last "FURTHER RESOLVED" statement ends with a
9 period.