

## Minutes for November 5, 2007

Disclaimer: This is only a web copy of the Whitman County Commissioners' Monday Meeting Minutes. Official minutes may be obtained by contacting the Whitman County Commissioners office at (509)-397-6200.

**067418 THE BOARD OF WHITMAN COUNTY COMMISSIONERS** met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, November 5, 2007 at 9:00 a.m.** Chairman Greg Partch, G.R. Finch and Michael Largent, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

**9:00 a.m. - Call to Order/Board Business/BOCC Workshop.**

**067419 1.** Items discussed included the upcoming quad counties meeting and a surveillance camera.

**9:15 a.m. - Executive Session.**

Present: Kelli Campbell and Gary and Valerie Hunt.

**D067419A 2.** Commissioner Largent **moved**, Commissioner Finch **seconded** the motion and it **carried** to go into executive session with the above individuals until 10:00 a.m. for a personnel matter.

**10:00 a.m. - Return to Open Session/Pledge of Allegiance.**

Present: Joe Smillie.

**D067419A 3. Motion** by Commissioner Finch to accept the consent agenda. Motion **seconded** by Commissioner Largent and **carried**.

**067420 4.** Claims/Payroll warrants numbered **209363, 209373 and 209376-209483** for **\$427,064.16** approved.

FUND	FUND NAME	AMOUNT
001	Current Expense	152,398.25
102	Building & Development	75.00
103	Countywide Planning	3.40
104	Developmental Services	32.98
110	County Roads	461.00
112	Public Facilities Improvement	18,000.00
117	Boating Safety	332.96
123	Paths & Trails-123.310.000	160.00
127	Drug Enforcement-Quad City	131.64
144	Emergency Communications-144.260.001	3,501.17
300	Capital Projects Asset Acq.-300.010.001	2,914.68
400	Solid Waste	1,595.01
501	Equipment Rental & Revolving	3,127.05

BOCC MINUTES-11/05/07

510	Photocopier Revolving	15,776.75
513	Communications Revolving	1,467.93
660	Whitcom-General-660.911.000	62,647.68
660	Whitcom-Grant Funding-660.911.001	5,433.54
690	Clearing Fund 690.002.000	1,929.47
690	Clearing Fund 690.005.000	157,075.65

067421 5. October 29, 2007 minutes approved.

067422-067423 6. Personnel board orders approved.

067424-067428 7. Commissioner Finch **moved**, Commissioner Largent **seconded** the motion and it **carried** to accept the updates to the county policies as presented.

**RESOLUTION NO. 067424**

**BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

**IN THE MATTER OF** the action of the adoption for the Whitman County Policy Protecting Private Information;

WHEREAS, this action is required by the federal HIPAA Security Rule,

WHEREAS, Whitman County policy requires a review and update every two years of privacy policies,

WHEREAS, this action is necessary and in the best interest of Whitman County and its employees,

NOW, THEREFORE, IT IS HEREBY RESOLVED by this Board that the above is approved as the attached **POL-01600-HR PROTECTING PRIVATE INFORMATION**.

Dated this 5<sup>TH</sup> day of November 2007 and effective as of December 1, 2007.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

\_\_\_\_\_  
Greg Partch, Chairman

\_\_\_\_\_  
G. R. Finch, Commissioner

ATTEST:

\_\_\_\_\_  
Maribeth Becker, CMC  
Clerk of the Board

\_\_\_\_\_  
Michael Largent, Commissioner

Effective Date: 12/01/07	<b>POLICY</b>	Page: 1 of 9
Cancels: 064928		Approved by: BOCC
See Also: POL 01610-HR & 01620-HR		<b>Res. #067424</b>

**POL - 01600 - HR      PROTECTING PRIVATE INFORMATION**

**This policy applies to all Whitman County departments and employees.**

**Definitions**

**Private Information** - Employee/client information of a private nature, including demographic, financial, medical/health and social data.

**Protected Health Information (PHI)** - Employee/client information of a private nature, including demographic, financial, medical/health and social data related to healthcare. PHI is found in any form including oral, electronic and printed material.

**HIPAA** - Health Insurance Portability and Accountability Act

**DHHS** - Department of Health and Human Services

**Privacy Compliance Officer** - An individual(s) responsible for creating and maintaining the privacy policies of Whitman County in accordance with State and Federal regulations.

**1. Whitman County Recognizes its Responsibility to Protect the Private Information of its Employees and/or Clients.**

The County recognizes its responsibility to protect private information for its employees/clients in accordance with Washington State and federal regulations. Private information communicated shall be the minimum necessary to achieve the needed result.

Furthermore, Whitman County recognizes itself as a hybrid entity in accordance with HIPAA regulations for the protection of Protected Health Information (**PHI**).

Private information including Protected Health Information may be used for but not limited to the following areas:

- Payroll processing
- Insurance coverage participation/troubleshooting
- Doctor certification for reasonable accommodation, return to work status, etc.
- Accident reports
- Requests from governmental entities
- Medical treatment of employees and/or clients
- Research/statistical analysis
- Collection in the course of an employee's job responsibilities

It should be kept in mind that Whitman County is a public agency. Therefore, certain information is not considered confidential. However, requests for such information shall be limited to only the specific allowable information requested.

2. **Whitman County Shall Establish Goals in the Protection of Private Information.**

Whitman County shall strive to meet and maintain the following goals:

- Protect information from unauthorized use
- Create secure environments for information
- Protect the privacy of County employees and/or clients
- Provide individuals access to their own private information
- Effectively manage the risk involved in possessing private information
- Define employee responsibilities in accessing, storing, using and destroying private information
- Create a stable work environment
- Be compliant with state and federal regulations concerning private information
- Establish procedures in case of asset misuse, loss or unauthorized disclosure

3. **All Privacy Policies/Procedures Shall be Reviewed and Updated by the County's Compliance Officer(s) Every Odd Numbered Year (See PRO# 01600-1).**

The Compliance Officer(s) review shall include the general County policies and a verification that each department is complying with the policy. Areas of review shall include administrative procedures, physical security safeguards, technical security services, and technical security mechanisms.

A list of positions with access to specific PHI, and the ways in which that private information is used and protected, shall be

submitted by each department upon the Compliance Officer(s) review. The Department Head's signature shall be required for confirmation of the data provided.

4. Employees/Clients Have Rights in Regards to the Treatment of Their PHI.

Employees/clients have rights to adequate notice of the uses and disclosure of PHI that may be made by the County. Those rights include:

- Requesting restrictions on data disclosure (**See PRO# 01600-2**)
- Requesting alternate methods for communicating disclosures (**See PRO# 01600-3**)
- Requesting inspection and/or a copy of their own PHI (**See PRO# 01600-4**)
- Requesting amendments to their records (**See PRO# 01600-5**)
- Receiving an accounting of certain PHI disclosures for up to six years (**See PRO# 01600-6**)

Requests for the above actions must be made in writing to the County's Privacy Compliance Officer or the appropriate Department Head/Elected Official. Responses to such requests will be made in writing within the time limits specified in the Notice of Privacy Practices. They may also be subject to copy fees. All reasonable requests shall be granted.

Certain requests may be denied if they:

- Involve PHI that is accurate and complete
- Include a record that no longer exists or cannot be found
- Do not pertain to PHI
- Include PHI not maintained by the County
- Endanger the life or physical safety of the employee/client
- Identify another person and disclosure may cause substantial harm to that person
- Are not reasonable given the circumstances of the request
- Unduly impede department operations
- Include psychotherapy notes
- Include information compiled in reasonable anticipation of, or in use in, a civil, criminal or administrative action or proceeding
- Access prohibited PHI under the Civil Laboratory Improvements Amendments of 1988
- Are contained by a correctional institution, or a provider acting under the direction of the correctional institution, if access would jeopardize the health, safety, security, custody or rehabilitation of the client

or other inmates, or the safety of an employee of the institution or those responsible for transporting the inmate

- Are created or obtained by a health care provider in the course of research and the access is temporarily suspended for as long as the research is in progress
- Obtained under a promise of confidentiality and the access requested would be reasonably likely to reveal the source of the information

**5. Department Heads/Elected Officials and Employees are Expected to Take Reasonable Steps to Protect Confidential Information.**

County employees shall conduct services and operations in such a way that only those who need to know can hear or see individuals when they are sharing private information. Employees shall also maintain employee/client confidentiality when hosting visitors to the County.

Department Heads/Elected Officials shall be responsible for ensuring that access to private information is limited only to those employees who need it in conducting their daily operations. Department Heads/Elected Officials and employees are expected to take reasonable steps to protect confidential information in oral, written or electronic form. This may include but is not limited to:

- Covering and/or putting away confidential information when not in use. This includes minimizing computer screens that may contain private data and turning them away from unauthorized viewing.
- Keeping desks, counters, fax machines, and copiers free of leftover or forgotten documents that may contain private information. Documents containing PHI should not be left alone at copy machines or printers, nor should unauthorized individuals read them. If found alone, they should be immediately returned to the authorized employee.
- Creating confidentiality statements for documents containing private information. For example, fax machine cover sheets.
- Using Whitman County's Authorization to Release Private Information form when private information needs to be disclosed outside the regular course of business.
- Holding conversations behind closed doors or at appropriate noise levels if they could/may contain private information.
- Allowing only certain employee positions access to specific confidential information.

- Using security features such as: locked file cabinets; passwords for computer files containing private data; firewalls; locking doors to departments and offices when not in use.
- Changing passwords and other appropriate securities upon termination of a previously authorized employee's employment.
- Keeping work areas free of unauthorized employees/visitors. Authorized visitors should have a visitor badge and/or sign a confidentiality agreement.

6. **A Written Authorization is Required for Disclosures of Information Outside of the County's Regular Course of Business.**

Disclosures of private information outside of the County's regular course of business (i.e. the employees' regular job duties) require a written authorization from the owner of the disclosed data. Disclosures of any kind are on a "need to know" basis only.

Disclosures of PHI outside regular treatment, payment or healthcare operations require specific written authorization (**See Authorization to Release Private Information form**).

Authorizations must specify: the date of the request; a description of the private information to be disclosed; the person authorizing the disclosure; the person to whom the County may make the disclosure; an expiration date; the method information will be communicated and the purposes for which information may be disclosed. Authorizations must be kept for six years after each expiration date. A description of disclosures allowed without an authorization form can be found in the Notice of Privacy Practices.

The employee has the right to request a copy of the authorization, deny its use or modify it (**See PRO# 01600-7, 01600-8 & 01600-9-HR**) (**See the Notice of Privacy Practices**).

7. **A Log of PHI Disclosures Shall Be Maintained by Each Department.**

Employees/Clients have a right under HIPAA to request a list of disclosures regarding their own PHI. The County will provide lists for up to six years prior to the request date. All requests must be made in writing to the County's Privacy Compliance Officer or the appropriate Department Head/Elected Official with the requestor's valid signature (**See PRO# 01600-6-HR**) (**See Notice of Privacy Practices**).

PHI disclosures that do not need to be logged include:

- Employee/client requests for their own information
- The normal treatment, payment or healthcare operations of the department
- Family members/others involved in the employee's/client's care
- Notification purposes
- Signed authorizations by the employee/client

Each department's log shall contain:

- Name and address of data recipients
- Date of the disclosure
- Description of the data and the disclosure's purpose
- Method by which the data was released

8. **Whitman County Will Take Reasonable Steps to Limit the Use or Disclosure of Private Information to the Minimum Necessary.**

The County will take steps to limit the use/disclosure of private information to the minimum necessary to accomplish the intended purpose.

In doing so each department shall identify, in writing, the people and positions who need access to specific private information in order to carry out their duties and the conditions for which such information may be communicated. Only those employees and the Department Head/Elected Official may have access to those records. Access shall be limited to business purposes only.

Private information provided by the County shall only be the minimum necessary in meeting the information request. The County may request clarification regarding the request in order to prevent disclosure of unnecessary information.

Minimum necessary requirements do not apply to:

- Disclosures to or requests by a health care provider for treatment purposes
- Disclosures to the individual of their own private information
- Uses or disclosures required for HIPAA compliance
- Disclosures to DHHS for enforcement purposes
- Uses or disclosures required by other laws
- Disclosures authorized by the individual

9. **Private Information no Longer in Use Shall be Shredded.**

Documents containing private data that is no longer in use shall be stored in a secure location in accordance with County and Washington State retention schedules. Once the documents have met retention schedule requirements, they shall be destroyed in accordance with State and Federal access regulations.

**10. Whitman County Shall Provide its Employees a Notice of Privacy Practices.**

The County shall provide its employees and clients a notice of privacy practices concerning PHI in accordance with HIPAA. The notice shall include:

- How the County may use and disclose protected health information about an individual
- The individual's rights with respect to the information and how the individual may exercise these rights, including how the individual may complain to the County
- The County's legal duties with respect to the information, including a statement that the County is required by law to maintain the privacy of protected health information.
- Authorized contacts for further information about the County's privacy policies
- An effective date

The notice shall be revised and distributed whenever the County makes changes to its privacy policies (**See TSK# 01600-1-HR**). It shall also be distributed at each new employee's orientation. Each employee receiving a new notice shall review and sign an acknowledgement form indicating that they have received and understand the document.

The notice shall be available through the Human Resources Department to any person who requests it. The notice shall also be posted where all employees have access to it, and on the Human Resources page of the County's website.

**11. Whitman County Shall Provide Training to Its Employees.**

All new Whitman County employees shall receive training through Human Resources or the Privacy Compliance Officer(s) regarding the appropriate access, use, storage, disclosure and destruction of private information. Training specific to the employee's position shall continue in the appropriate department. Such training shall be conducted before the employee handles any private information.

County employees responsible for handling PHI shall receive training regarding this policy and the privacy laws every five

years. As a part of that training, employees shall sign confidentiality agreements.

12. **Misuse, Loss or Unauthorized Disclosures of Private Information Shall be Subject to Discipline.**

Misuse, loss or unauthorized disclosure of private information shall be subject to discipline up to and including termination. Violations of the policy shall be immediately reported to the Department Head/Elected Official.

Employees aware of PHI violations against this policy shall report the incident(s) to their Department Head/Elected Official within 180 days of their discovery. The employee and supervisor shall then report incidents regarding PHI to the County's Privacy Compliance Officer(s). The incident shall then be investigated in a timely and respectful manner and appropriate action taken (**See PRO# 01600-10-HR**).

The supervisor shall make any corrective steps needed and send written notification to the employee/client whose information was violated. Corrective steps may include, but are not limited to, training, updated security procedures, the disciplinary process and/or notifying the authorities.

All violations of misuse, loss or unauthorized disclosure of PHI shall be logged by the Privacy Compliance Officer along with the corrective steps taken. The Department Head/Elected Official and Compliance Officer shall initial and date each entry.

No employee/client shall be intimidated, threatened, coerced, discriminated or retaliated against for reporting a reasonably legitimate violation.

13. **PHI Documents Shall be Kept for Six Years.**

The County shall keep the following PHI documents for six years after their irrelevancy in accordance with HIPAA:

- Healthcare Plan documents
- Policies on PHI uses and disclosures
- Minimum necessary policies
- Signed authorizations
- Privacy Notes
- Documents regarding individual rights for the treatment of PHI
- PHI disclosures for purposes other than the regular treatment, payment or healthcare operations

- All complaints regarding PHI and their outcomes
- Sanctions imposed on violators
- Business Associate contracts

**RESPONSIBILITY SUMMARY**

**ELECTED OFFICIALS, DEPARTMENT HEADS, MANAGERS AND SUPERVISORS**

- Know and comply with the provisions of this policy
- Develop and maintain procedures as applicable to the office or department to ensure compliance with HIPAA
- Immediately report any breaches of privacy or security to the Privacy Compliance Officer

**HUMAN RESOURCES DEPARTMENT**

- Provide new hire orientation training and refresher training as needed

**PRIVACY COMPLIANCE OFFICER**

- Address policy questions and complaints regarding privacy practices, policies and procedures
- Process requests for changes, restrictions and/or copies of protected health information as needed.
- Investigate policy violations and recommend corrective measures

**EMPLOYEES**

- Know and comply with provisions of this policy
- Immediately report any breaches of privacy or security to their supervisor or the Privacy Compliance Officer
- Participate in privacy practices training
- Follow established procedures to safeguard protected health information

**RESOLUTION NO. 067425**

**BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

**IN THE MATTER OF** the action of the adoption for the Whitman County Policy Selection and Appointment of Privacy Compliance Officer(s);

**WHEREAS**, this action is required by the federal HIPAA Security Rule,

**WHEREAS**, Whitman County policy requires a review and update every two years of privacy policies,

WHEREAS, this action is necessary and in the best interest of Whitman County and its employees,

NOW, THEREFORE, IT IS HEREBY RESOLVED by this Board that the above is approved as the attached POL-01610-HR SELECTION AND APPOINTMENT OF PRIVACY COMPLIANCE OFFICER(S).

Dated this 5<sup>TH</sup> day of November 2007 and effective as of December 1, 2007.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

\_\_\_\_\_  
Greg Partch, Chairman

\_\_\_\_\_  
G. R. Finch, Commissioner

ATTEST:

\_\_\_\_\_  
Maribeth Becker, CMC  
Clerk of the Board

\_\_\_\_\_  
Michael Largent, Commissioner

Effective Date: 12/01/07	<b>POLICY</b>	Page: 1 of 2
Cancels: 064929		Approved by: BOCC
See Also: POL 01600-HR		<b>Res. #067425</b>

POL - 01610 - HR SELECTION AND APPOINTMENT OF PRIVACY COMPLIANCE OFFICER(S)

**Definitions**

**Privacy Compliance Officer** - An individual(s) responsible for creating and maintaining the privacy policies of Whitman County in accordance with State and Federal regulations.

**Protected Health Information (PHI)**- Employee/client information of a private nature, including demographic, financial, medical/health and social data related to healthcare. PHI is found in any form including oral, electronic and printed material.

**BOCC** - Board of County Commissioners

**High Ranking Individual** - A management employee with the authority to enforce policy and determine the action to be taken in case of policy violation.

**1. Whitman County Shall Have a Privacy Compliance Officer(s) in Accordance with State and Federal Law.**

Privacy Compliance Officer(s) shall be appointed on an as-needed basis by the BOCC.

**2. Privacy Compliance Officer(s) Shall Meet the Following Criteria in Accordance with State and Federal Law.**

Privacy Compliance Officer(s) shall meet the following requirements:

- Be a high ranking individual
- Possess real authority - no "straw figures"
- Be capable of detail and follow-up
- Have full knowledge of county management
- Have full knowledge of chain of command
- The County must be willing to provide continuing education to the individual

**3. Privacy Compliance Officer(s) Shall Work With All County Departments in Order to Create and Maintain the Privacy Policies of Whitman County, as well as State and Federal Regulations (See PRO# 01600-1-HR).**

Privacy Compliance Officer(s) shall be responsible for the following duties:

- Researching and updating County policies to meet new or revised legal regulations
- Identifying noncompliance within the County
- Establishing and administering a process for receiving, documenting, tracking, investigating and taking action on all complaints regarding PHI
- Conducting assessments and internal audits to determine organizational compliance with HIPAA
- Overseeing the development, delivery and documentation of privacy training and awareness for the County. This includes training for new and existing employees
- Participating in the development, implementation and ongoing compliance monitoring of business associate agreements
- Maintaining appropriate authorization forms, privacy notices and other materials regarding the privacy of PHI
- Coordinating visits and cooperating with the Office of Civil Rights, other legal entities and organization officers in any compliance review of investigations

- Managing requests for amendments and changes of PHI
- Serving as a resource for questions on privacy policies and regulations

RESOLUTION NO. 067426

BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS

IN THE MATTER OF the action of the adoption for the Whitman County Procedure Updating & Reviewing Privacy Policies);

WHEREAS, this action is required by the federal HIPAA Security Rule,

WHEREAS, Whitman County policy requires a review and update every two years of privacy policies,

WHEREAS, this action is necessary and in the best interest of Whitman County and its employees,

NOW, THEREFORE, IT IS HEREBY RESOLVED by this Board that the above is approved as the attached PRO-01600-1-HR UPDATING AND REVIEWING PRIVACY POLICIES.

Dated this 5<sup>TH</sup> day of November 2007 and effective as of December 1, 2007.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

\_\_\_\_\_  
Greg Partch, Chairman

\_\_\_\_\_  
G. R. Finch, Commissioner

ATTEST:

\_\_\_\_\_  
Maribeth Becker, CMC  
Clerk of the Board

\_\_\_\_\_  
Michael Largent, Commissioner

Effective Date: 12/01/07	PROCEDURE	Page: 1 of 1
Cancels: 061410		Approved by: BOCC
See Also:		Res. #067426

**Definitions**

**Privacy Compliance Officer** - An individual(s) responsible for creating and maintaining the privacy policies of Whitman County in accordance with State and Federal regulations.

**Action By:**

**Action:**

**Privacy Compliance Officer**

1. **Reviews** all County policies regarding privacy every other year.
2. **Sends** department records to each Department Head/Elected Official.

**Department Head/Elected Official**

3. **Reviews** his/her department's privacy policies & procedures.
4. **Brings** the department policies & procedures up to date.
5. **Returns** any changes to the Privacy Compliance Officer with confirmation that the department record is accurately updated and information is properly protected.

**Privacy Compliance Officer**

6. **Reviews** the department's policies & procedures.
7. **Records** that the department is in compliance.
  - 7a. If the department is not in compliance, makes **recommendations** to the Department Head/Elected Official to correct its shortfalls.

**Department Head/Elected Official**

8. **Implements** the appropriate changes.
9. **Forwards** those changes to the Privacy Compliance Officer.

Privacy Compliance Officer

10. **Documents** that the policies & procedures have been reviewed, updated and are compliant.

11. **Files** the documentation for six years.

**RESOLUTION NO. 067427**

**BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

**IN THE MATTER OF** the action of the adoption for the Whitman County Procedure Requesting to Inspect/Copy PHI;

**WHEREAS**, this action is required by the federal HIPAA Security Rule,

**WHEREAS**, Whitman County policy requires a review and update every two years of privacy policies,

**WHEREAS**, this action is necessary and in the best interest of Whitman County and its employees,

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by this Board that the above is approved as the attached **PRO-01600-4-HR REQUESTING TO INSPECT/COPY PHI.**

Dated this 5<sup>TH</sup> day of November 2007 and effective as of December 1, 2007.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

\_\_\_\_\_  
Greg Partch, Chairman

\_\_\_\_\_  
G. R. Finch, Commissioner

\_\_\_\_\_  
Michael Largent, Commissioner

ATTEST:

\_\_\_\_\_  
Maribeth Becker, CMC  
Clerk of the Board

Effective Date: 12/01/07

Page: 1 of 2

**PROCEDURE**

Cancels: 061410

Approved by: BOCC

See Also:

**Res. #067427**

Definitions

**Privacy Compliance Officer** - An individual(s) responsible for creating and maintaining the privacy policies of Whitman County in accordance with State and Federal regulations.

**Protected Health Information (PHI)** - Employee/Client information of a private nature, including demographic, financial, medical-health and social data related to health care. PHI is found in any form including oral, electronic and printed material.

Action By:

Action:

Employee/Client

1. **Requests** in writing of the Department Head/Elected Official to inspect/copy his/her PHI.

Department Head/Elected Official or Designee

2. **Verifies** the identity of the employee/client. This may be done through personal knowledge or photo identification.
3. **Reviews** the request.
4. Notifies the employee/client of when the PHI will be ready to inspect/copy.
  - 4a. If the PHI is available to inspect/copy at that time, **allows** the employee/client to inspect/copy his/her records. Inspection/copies must be made in the presence of an authorized employee.
5. **Prepares** the PHI for inspection-copying.
  - 5a. If inspection/copies of the PHI are unacceptable, **forwards** the request and a written denial letter to the Privacy Compliance Officer. **(Skip to step #8)**
6. Forwards the records to the employee-client within 15 working days of the request.
  - 6a. If the request is delayed, notifies the employee/client in writing of the reason for the delay and the date the

record will be available (no later than 21 working days from the request).

7. **Records** the inspections/copies made. (Skip to step 10)

Privacy Compliance Officer

8. **Reviews** the request and denial for legal compliance.
  - 8a. If compliant, **notifies** the Department Head/Elected Official in writing.
  - 8b. If not compliant, **works** with Department Head/Elected Official to come in to compliance.

Department Head/Elected Official or Designee

9. **Makes** any necessary adjustments to become compliant.
10. **Notifies** the employee/client in writing of the request's outcome and **mails** the necessary copies within 15 days of the request.
11. **Files** the request and documentation for six years.

**RESOLUTION NO. 067428**

**BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

**IN THE MATTER OF** the action of the adoption for the Whitman County Policy Using Electronic Information;

**WHEREAS**, this action is required by the federal HIPAA Security Rule,

**WHEREAS**, Whitman County policy requires a review and update every two years of privacy policies,

**WHEREAS**, this action is necessary and in the best interest of Whitman County and its employees,

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by this Board that the above is approved as the attached POL-01500-HR USING ELECTRONIC INFORMATION.

Dated this 5<sup>TH</sup> day of November 2007 and effective as of December 1, 2007.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

\_\_\_\_\_  
Greg Partch, Chairman

\_\_\_\_\_  
G. R. Finch, Commissioner

\_\_\_\_\_  
Michael Largent, Commissioner

ATTEST:

\_\_\_\_\_  
Maribeth Becker, CMC  
Clerk of the Board

Effective Date: 12/01/07	<b>POLICY</b>	Page: 1 of 6
Cancels: 063841		
See Also: POL-01600,01620, 0408-HR, PRO-01500-1,01500- 2,01500-3, 01500-4-HR		Approved by: BOCC <b>Res. #067428</b>

**POL-01500-HR     USING ELECTRONIC INFORMATION**

**This policy applies to all Whitman County departments and employees.**

**Definitions**

**Protected Health Information (PHI)** - Employee/client information of a private nature, including demographic, financial, medical/health and social data related to healthcare. PHI is found in a variety of forms, including oral, electronic and printed material.

**1.     Whitman County Recognizes the Risks of Electronic Information.**

The County recognizes its responsibility to protect electronic information for its employees/clients in accordance with state and federal regulations. This protection must extend to electronic Protected Health Information (PHI) in accordance with the HIPAA Security Rule. Therefore, this policy shall act in close conjunction with policy POL-01600-HR Protecting Private Information and POL-0408-HR Overseeing County E-Mail and Internet Systems. This policy shall concern electronically used, stored and/or communicated information only.

Whitman County recognizes that security risks to electronic information include, but are not limited to the following areas:

- Hacking
- Theft
- Moving/sending information by mistake
- Using expired passwords
- Information left in plain view of the public
- Unauthorized employee access
- Unauthorized non-employee access
- Unauthorized use and/or changes of information

2. **Policies and Procedures Involving Private Electronic Information Shall be Reviewed and Updated in Accordance with Policy POL-01600-HR.**
3. **Department Heads/Elected Officials and Employees are Expected to Take Reasonable Steps to Protect Electronic Information.**

County employees shall conduct services and operations in such a way that electronic information is protected in accordance with legal mandates and all related privacy policies.

Department Heads/Elected Officials shall be responsible for ensuring that access to private electronic information is limited to only those employees who need it in conducting their daily operations. Department Heads/Elected Officials shall investigate and, if feasible, use firewalls, screensavers, virus protection, record amending procedures and passworded documents to provide maximum security.

Passwords shall be created by each employee. They shall be changed at least once per year. They must also be changed in the event of employee turnover, a change in software, a breach of privacy or any other event that would put confidential information at risk. Passwords shall be at least eight characters in length and consist of a combination of upper and lower case letters, numbers and at least one special character (i.e. exclamation point, @ sign, etc.). They shall not contain any part of the employee's username or full name. Computer passwords shall only be shared in case of emergency. Passwords for files or documents shall not be shared with others except when authorized by the Department Head/Elected Official. Nor shall passwords be stored where unauthorized individuals may easily access the information (i.e. under keyboards, on the front of monitors, etc.).

Passwords shall be reported to the Department Head/Elected Official or his/her designee. That individual shall store those

passwords in a secure, confidential location. The Department Head/Elected Official and designee shall be the only individuals with access to the password record.

The public shall not have unsupervised access to electronic equipment containing private information. The monitors of such equipment shall be turned from public view.

Visitors and/or contractors with authorized access to electronic equipment shall wear identification tags stating their role and the authorizing party. Identification tags may be requested by the appropriate Department Head/Elected Official through the Human Resources Department. They must be worn throughout the duration of the visitor/contractor's work with the County. Each department shall keep a record of who they have authorized, how long and why.

The downloading or installation of programs must be coordinated and approved by both the Department Head/Elected Official and Information Services. It must also be in accordance with policy POL-0408-HR. Each Department Head/Elected Official and Information Services are responsible for ensuring that all software/hardware is installed properly, licensed correctly and protected from computer viruses. All malicious software must be immediately reported to the Department Head/Elected Official and Information Services (**See procedure PRO-01500-3-HR**).

Employees shall not copy software belonging to others or the County. Nor shall they read another employee's files without the permission of the Department Head/Elected Official. Software shall be transported between computers only by Information Services and with the cooperation of the Department Head/Elected Official. No programs shall be downloaded or installed without the permission of the Department Head/Elected Official. Nor shall any programs or files be brought from home and downloaded, installed or viewed without the permission of the Department Head/Elected Official.

4. **All County Electronic Equipment Is Subject To Review and Monitoring.**

All electronic equipment and software provided by Whitman County is the property of the County and, therefore, subject to review and monitoring. Employees shall be held accountable for all usage of their systems.

5. **Each Department Shall Ensure That Only Authorized Personnel Have Access to Electronic Information.**

Authorized access to electronic information shall be governed by the Department Head/Elected Official in accordance with policy POL-1600-HR. Authorizations may come in the following forms:

- Specific written authorization for a specific time period (See procedure **(PRO -01500-2- HR)**)
- Authorization written in to a position's job description
- Documentation required by policy POL-01600-HR
- Issued keys and/or pad lock combinations
- Documented department policy and/or procedure

All log-in attempts to County computers will be recorded and monitored on an as needed basis. Information Services shall assign each computer a user name in accordance with the employee authorized to use it (**See procedure PRO -01500-1- HR**). Once an employee leaves employment, or no longer has a need to use a specific computer, the user name shall be disabled and/or changed to reflect the newly authorized individual (**See procedure PRO - 01500-4- HR**). User name assignments shall be recorded and tracked by Information Services.

Appropriate measures must be taken in order to protect electronic information after access is no longer needed. Such measures may include, but not be limited to:

- Changing door locks
- Changing security pad combinations
- Changing passwords to computers and files
- Voiding written authorizations allowing access to private information
- Amending job descriptions
- Amending documentation in accordance with policy POL-1600-HR

Repairs and modifications to the physical security components of County buildings shall be recorded by Facilities Maintenance.

All necessary records shall be changed to reflect the change in access within 60 days of the change's effective date.

6. **All Business Associate Agreements Shall Include Electronic PHI and be in Compliance with Policies POL-01600 & 01620-HR.**
7. **All Disclosures and Uses of Private Electronic Information Shall Be the Minimum Necessary in Accordance With POL-01600-HR.**
8. **Electronic Equipment No Longer Used Shall Be Cleared.**

Electronic equipment no longer in use or required for retention shall be cleared. Equipment such as disks, tapes, etc. containing private information shall be stored in accordance with POL-01600-HR and then destroyed. Computers shall be reformatted before being stored, transferred or disposed of.

Information Services is responsible for assisting each department with securing private data before moving/destroying any electronic equipment. Records for the movement of hardware, media and those responsible shall be kept by Information Services (in cooperation with each department) via inventory controls and any other appropriate County policies.

9. **Whitman County Shall Provide Training to Its Employees In Accordance with Policy POL-01600-HR.**

County employees shall receive training in accordance with policy POL-01600-HR.

10. **In Case of Emergency, Information Services and Each Department Head/Elected Official Are Responsible For Data.**

In case of emergency, Information Services and the appropriate Department Head/Elected Official shall be responsible for retrieving lost data and securing it from unauthorized individuals. Access at the time of the emergency shall only be given to Information Services, the Department Head/Elected Official and individuals specifically authorized by the Department Head/Elected Official.

Policies and procedures for data contingency plans, evaluation, integrity and transmission security are the responsibility of Information Services. Employees who detect a problem must contact their Department Head/Elected Official and/or Information Services immediately.

11. **Misuse, Loss or Unauthorized Disclosures of Electronic Information Shall be Subject to Discipline.**

Misuse, loss or unauthorized disclosure of private information shall be subject to discipline in accordance with policy POL-01600-HR. Violations of the policy shall be immediately reported to the Department Head/Elected Official and Information Services. The Department Head/Elected Official, in cooperation with Information Services, shall keep a record of incidents and outcomes.

12. PHI Documents Shall be Kept for Six Years.

This policy shall be retained by Human Resources for at least six years past its expiration. This policy shall be available to all County employees and those charged with implementing its requirements. Furthermore, the County shall keep the following PHI documents for six years after their irrelevancy in accordance with HIPAA:

- Healthcare Plan documents
- Policies on PHI uses and disclosures
- Minimum necessary policies
- Signed authorizations
- Privacy Notes
- Documents regarding individual rights for the treatment of PHI
- PHI disclosures for purposes other than the regular treatment, payment or healthcare operations
- All complaints regarding PHI and their outcomes
- Sanctions imposed on violators
- Business Associate contracts

067429 8. Commissioner Largent **moved**, Commissioner Finch **seconded** the motion and it **carried** to approve the publishing of a notice for the 2008 CDBG-PS grant.

067430 9. The commissioners acknowledge receipt of the 2008 Port of Whitman County tax levy and budget.

067431 10. Commissioner Largent responded to the concerned pilots' letter of October 10<sup>th</sup> related to unlit cell towers in Whitman County.

067432 11. Follow-up on a request for assistance for the return of personal property belonging to Sam Small of Pullman was handled by Commissioner Largent and Pullman Police Commander Chris Tennant. Most of Mr. Small's belongings should be returned to him this week. The remainder of the property items is being retained by Clark County, Arizona Police Department as evidence.

067433 12. Commissioners' pending list reviewed.

10:10 a.m. - **Ralph Walter, Colfax Fire Chief.**

D067433A Chief Walter, also the Whitman County area coordinator for fire/fire mobilization, stopped by to give the commissioners an update on the fires in California and the eastern Washington strike team that left for California on October 25th to assist with the fires. The eastern

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Washington strike team consisted of 3 members from Whitman County Fire District #12 and a truck, the Engine Boss from Spokane County Fire District #3 (Cheney) and a truck and trucks from Lincoln County, Spokane County Fire District #9 and Spokane Valley. The team began working on the line at the Harris complex, were moved to the Chino complex and then to another complex further north. They were demobilized today at 1 a.m. and are on their way home. The San Diego Fire Chief was very impressed with the Whitman County fire crew.

**10:30 a.m. - Recess.**

**11:20 a.m. - Board Business Continued/Executive Session.**

Present: Mark Storey.

**D067433B 13.** Commissioner Largent **moved**, Commissioner Finch **seconded** the motion and it **carried** to go into executive session with the above individuals until 12:00 p.m. for a personnel matter.

**12:00 p.m. - Return to Open Session/Recess.**

**1:00 p.m. - Tammy Lewis, ADO Coordinator.**

Present: Kathy Parker and Joe Smillie.

**067434** Ms. Lewis provided an ADO update highlighting Business and Community Development, affordable housing, attendance at the last ADO meeting, shopping locally, the on-line business directory, the DVD on Great Jobs-Great Benefits in the PEDC area, Innovation Zone and the need for a new computer. Commissioner Partch invited both Tammy Lewis and Kathy Parker to attend the next Workforce Development Council meeting since both organizations seem to mirror many issues. With regards to a new computer, the commissioners will address this issue with the Port Commissioners later in the day. Commissioner Finch noted that Tammy has been very busy and is well thought of by the communities.

**1:30 p.m. - Board Business Continued/BOCC Workshop.**

Present: Jack Silzel, Bob Lothspeich, Peggy Wright, Devon Rokyta and Joe Smillie (1:30 p.m.) and Port of Whitman County Commissioners, Joe Poire, Mark Storey and Joe Smillie (Port Office-3:00 p.m.).

**067435 14.** Items discussed included CRP weed control, Farm Bill, ADO, airport, Innovation Zone and ISR updates, POWBAC legal title, railroad and rural telecom cluster development discussion. No action taken.

**4:00 p.m. - Recess.**

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**6:00 p.m. - Board Business Continued/BOCC Workshop.**

Present: Dean Burton, Virgil Klaveano, Steven Ledgerwood, Buck Lane, Don Brown, Doug Mattoon, Bill Provost, Dwight Robanski, Dick Jones, Robert Kahn, Bill Vogler and two citizens from Columbia County.

**067436 15.** Items discussed included legislative issues and general discussion items. No action taken.

**8:00 p.m. - Recess.**

**D067436A THE BOARD OF WHITMAN COUNTY COMMISSIONERS** met at University Inn in Moscow, Idaho for **Tuesday, November 6, 2007 at 8:00 a.m.** Chairman Greg Partch, G.R. Finch and Michael Largent, Commissioners attended.

**8:00 a.m. - Reconvene/Board Business/BOCC Workshop.**

Present: Latah County Commissioners Tom Stroschein, Jennifer Barrett, Jack Nelson and Joe Smillie at University Inn, Moscow.

**D067436B 16.** Items of mutual interest discussed. No action taken.

**10:00 a.m. - Recess.**

**2:00 p.m. - Board Business Continued/BOCC Workshop.**

Present: Kelli Campbell, Sharron Cunningham and Joe Smillie.

**D067436C 17.** Financial items discussed. No action taken.

**3:00 p.m. - Recess.**

**D067436D THE BOARD OF WHITMAN COUNTY COMMISSIONERS** met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Wednesday, November 7, 2007 at 6:00 p.m.** Chairman Greg Partch, G.R. Finch and Michael Largent, Commissioners attended.

**6:00 p.m. - Reconvene/Board Business Continued/BOCC Workshop.**

Present: Planning Department staff and members of the Whitman County Planning Commission.

**D067436E 18.** Planning related items discussed. No action taken.

**7:00 p.m. - Adjournment.**

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**D067436F** Commissioner Finch **moved** to adjourn the **November 5, 6 and 7, 2007** meeting. Motion **seconded** by Commissioner Largent and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **November 12, 2007**. The foregoing action made this **7th** day of **November 2007**.

ss/ G.R. FINCH, COMMISSIONER  
ss/ MICHAEL LARGENT, COMMISSIONER

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MARIBETH BECKER, CMC  
Clerk of the Board

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GREG PARTCH, CHAIRMAN  
Board of County Commissioners