

## Minutes for December 27, 2005

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.

**064874 THE BOARD OF WHITMAN COUNTY COMMISSIONERS** met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **December 27, 2005** at **9:00 a.m.** Greg Partch, Chairman, G.R. "Jerry" Finch and Les Wigen, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

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

Present: Kelli Campbell and Sharron Cunningham.

**064875 1.** Items discussed included a classification recommendation, Archive grant award, SAR grant request, leave request, Roundsville letter, Registered Dietician, PRCC Railroad and Coroner. No action taken.

**9:30 a.m. - Pledge of Allegiance.**

Present: Adam Roberts and Bev Welch.

**D064875A 2. Motion** by Commissioner Finch to approve the consent agenda with the deletion of items #D1 and #E8. Motion **seconded** by Commissioner Wigen and **carried**.

**064876 3.** Commissioner Finch **moved**, Commissioner Wigen **seconded** the motion and it **carried** to approve Claims/Payroll warrants numbered **185409** and **185569-185681** for **\$296,056.48**.

FUND	FUND NAME	AMOUNT
001	Current Expense	54,368.25
102	Building & Development	110.00
104	Developmental Services	739.17
108	Veterans Relief	60.17
110	County Roads	9,180.71
118	Inmate Welfare	685.50
123	Paths & Trails	149.60
126	Treasurer's M&O	160.00
127	Drug Enforcement-Quad City	5,708.65
135	Prosecutor's Stop Grant	10.28
137	Web Site Development	2,591.56
138	Federal Equitable Sharing	104.00
300	Capital Projects	11,802.62
400	Solid Waste	5,193.81
501	Equipment Rental & Revolving	37,016.45
513	Communications Revolving	468.60

BOCC MINUTES-12/27/05

690	Palouse Empire Fair Building 690.005.000	167,707.11
-----	--	------------

064877 4. December 19, 2005 minutes approved.

064878-064897 5. Personnel board orders approved.

064898 6. Commissioner Finch **moved**, Commissioner Wigen **seconded** the motion and it **carried** to approve DSHS General Terms and Conditions contract #0683-88594 effective April 1, 2006.

9:50 a.m. - Kelli Campbell.

064899 7. Commissioner Finch **moved**, Commissioner Wigen **seconded** the motion and it **carried** to sign DSHS contract #0663-89348 for the Foster Care Passport program.

064900 8. Commissioner Finch **moved**, Commissioner Wigen **seconded** the motion and it **carried** to sign a letter to the Department of Ecology requesting the county's 2005 agricultural burn delegation order #05AQ-E142 be extended to June 30, 2006.

064901 9. Commissioner Finch **moved**, Commissioner Wigen **seconded** the motion and it **carried** to sign a grant data form for the Auditor's HAVA grant.

10. Pursuant to County Code regarding delegation of purchase orders, claims and payroll responsibilities, an authorization form was received from the following departments, signed by the Board and forwarded to the Auditor's office. **Motion** by Commissioner Finch **seconded** by Commissioner Wigen and **carried** to approve the signature authorizations as presented.

- 064902 Administrative Services, Commissioner, Human Resources
- 064903 Assessor
- 064904 Auditor
- 064905 Clerk
- 064906 Coroner
- 064907 Developmental Services, Parks
- 064908 District Court
- 064909 Emergency Management, Public Health
- 064910 Extension
- 064911 Facilities Management, Fair
- 064912 Information Services
- 064913 Juvenile Services
- 064914 LEOFF I Board
- 064915 Prosecutor
- 064916 Public Works
- 064917 Sheriff
- 064918 Superior Court

BOCC MINUTES-12/27/05

064919 Telephone Providers  
064920 Treasurer  
064921 Weed Department  
064922 Whitcom

064923 11. Adam Roberts explained that the Benefits Coordinator's computer hard drive is 95% full and is one of the older computers on the inventory. Since the Coordinator does perform graphic editing and works on web pages, he recommended a new computer be purchased for this position. Commissioner Finch **moved**, Commissioner Wigen **seconded** the motion and it **carried** to approve the Asset Acquisition request for approximately \$1,400.

064924 12. Adam Roberts also said the Investment Coordinator's computer was custom built in 1996. It continually locks up and he feels it is related to the motherboard. Rather than install new parts in a computer that was built with spare parts, he recommended purchasing a new computer for this position. Commissioner Wigen **moved**, Commissioner Finch **seconded** the motion and it **carried** to approve the Asset Acquisition request for approximately \$1,400.

064925 13. Commissioner Finch **moved**, Commissioner Wigen **seconded** the motion and it **carried** to approve a fireproof file cabinet for Information Services.

064926 14. Kelli Campbell said the Building Engineer requested a reclassification that was previously denied. He appealed the decision to the Classification Committee and their recommendation is to approve the request. Commissioner Finch **moved**, Commissioner Wigen **seconded** the motion and it **carried** that after reviewing the documentation presented, they recommended authorizing the reclassification.

064927 16. Ms. Campbell said the Public Health Director has requested the registered dietician position be considered for critical/essential status. At the request of the Board, the Classification Committee did review it and recommend not approving a change in status at this time. They are interested in seeing other avenues before the system is altered for this position. Commissioner Wigen **moved**, Commissioner Finch **seconded** the motion and it **carried** not to approve the Registered Dietician position for critical/essential status.

064928 17. Every other year the HIPAA Privacy Policy and Procedures are reviewed. All proposed changes are grammatical. Commissioner Finch **moved**, Commissioner Wigen **seconded** the motion and it **carried** recommending the Board sign the HIPAA policy revisions since they are only grammatical changes.

RESOLUTION NO. 064928

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 Privacy Rule,

**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 27<sup>th</sup> day of December 2005 and effective as of January 1, 2006.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

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

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

ATTEST:

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

\_\_\_\_\_  
Les Wigen, Commissioner

Effective Date: January 1, 2006	Page: 1 of 9
<b>POLICY</b>	
Cancels:	Approved by: BOCC
See Also: POL 01610-HR	Res. #064928
& 01620-HR	

**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 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 employees 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 Other 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 Heads 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 left over 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 left 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 that may contain private information behind closed doors or at appropriate noise levels.
- Allowing only certain 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: 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 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 a 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 of their own information
- The normal treatment, payment or healthcare operations of the department
- Family members/others involved in the employee's or 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 the data was communicated by

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 the County's retention schedules. Once the documents have met retention schedule requirements, they shall be shredded 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.
- Whom individuals can contact 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 and an adequate record of such training shall be kept in his/her personnel file.

All County employees 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.**

## **BOCC MINUTES-12/27/05**

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 medical record restriction requests specifying how individually protected health information may be used or disclosed
- Process protected health information record amendment requests, designate an Agency or Department official to carry out this responsibility
- 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. 064929**

**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 Privacy Rule,

**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 27<sup>th</sup> day of December 2005 and effective as of January 1, 2006.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

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

ATTEST:

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

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

\_\_\_\_\_  
Les Wigen, Commissioner

Effective Date: January 1, 2006	Page: 1 of 2
<b>POLICY</b>	
Cancels: See Also: POL 01600-HR	Approved by: BOCC Res. #064929

**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 Whitman 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 Whitman County employees.

This includes orientation training for new hire and retraining for 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 patient questions on privacy policies and regulations

**RESOLUTION NO. 064930**

**BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

**IN THE MATTER OF** the action of the adoption for the Whitman County Policy **Business Associates;**

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

**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-01620-HR BUSINESS ASSOCIATES.**

Dated this 27<sup>th</sup> day of December 2005 and effective as of December 1, 2006.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

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

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

ATTEST:

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

\_\_\_\_\_  
Les Wigen, Commissioner

Effective Date: January 1, 2006	Page: 1 of 2
<b>POLICY</b>	
Cancels: See Also: POL 01600-HR	Approved by: BOCC Res. #064930

Definitions

**Business Associate** - A person or entity that performs certain functions or activities that involve the use or disclosure of protected health information on behalf of, or to provide services to a HIPAA covered entity.

**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

1. Whitman County shall have a chain of trust contract with all business associates as defined by HIPAA. The contract shall contain the following elements:

- A description of the permitted and required uses of protected health information by the business associate
- Assurance that the information will be used only for purposes for which the business associate needs it
- Safeguards from misuse including an agreement that the business associate will not use or disclose the protected information other than as permitted or required by law or the contract
- Provide individuals with access to their own information and a history of certain disclosures

2. Violations of the Contract Shall be Grounds for Terminating the Business Relationship.

If the County learns of a breach or violation of the contract by the business associate, the County is required to take reasonable steps to cure the breach/violation. If such steps are unsuccessful the County will terminate the business arrangement.

If terminating the business arrangement is not feasible, the County shall report the problems to the Department of Health and Human Services Office for Civil Rights.

3. The County Recognizes Exceptions to the Business Associate Contract Required by HIPAA.

HIPAA allows for certain exceptions to the business associate contract. These exceptions include:

- Disclosures by the County to a health care provider for treatment of an individual. However, a written authorization from the employee is required
- Information from a group health plan provided that the information given is the minimum necessary
- Disclosures to public benefit programs, such as Medicare or Social Security in determining eligibility, enrollment or other uses as allowed by law
- With persons or organizations whose functions or services do not involve the use or disclosure of protected health information, and where any access to such information would be incidental
- With a person or organization that acts as a conduit for protected health information, such as the US Postal Service
- Disclosing information to a researcher for research purposes, either with employee authorization or as a limited data set pursuant to 45 CFR 164.514(e)
- When a financial institution processes consumer-conducted financial transactions that directly facilitate or effect the transfer of funds for payment of health care

**RESOLUTION NO. 064931**

**BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

**IN THE MATTER OF** the action of the adoption for the following **Whitman County Procedures:**

Requesting Alternate Methods of Disclosing PHI  
Requesting to Amend PHI  
Documenting and Accounting for Disclosures of PHI  
Requesting to Modify and/or copy and Authorization Form  
Requesting Revocation of Authorization to Use/Disclose PHI  
Grievance Procedure

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

**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-01600-3-HR Requesting Alternate Methods of Disclosing PHI  
PRO-01600-5-HR Requesting to Amend PHI  
PRO-01600-7-HR Documenting and Accounting for Disclosures of PHI  
PRO-01600-8-HR Requesting to Modify and/or copy and Authorization Form

PRO-01600-9-HR Requesting Revocation of Authorization to Use/Disclose PHI  
PRO-01600-10-HR Grievance Procedure

Dated this 27<sup>th</sup> day of December 2005 and effective as of January 1, 2006.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

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

ATTEST:

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

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

\_\_\_\_\_  
Les Wigen, Commissioner

Effective Date: January 1, 2006	Page: 1 of 1
<b>PROCEDURE</b>	
Cancels:	Approved by: BOCC
See Also:	Res. #064931

PRO - 01600-3 - HR REQUESTING ALTERNATE METHODS OF DISCLOSING PHI

**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 have his/her PHI disclosure through an alternate method.

**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. **Changes** the method of disclosure.
  - 4a. If the alternative method is unacceptable, **forwards** the request and a written denial letter to the Privacy Compliance Officer. **(Skip to step # 7)**
- 5. **Records** the Change.
- 6. **Notifies** the necessary parties that PHI disclosure has been changed to an alternate method. **(Skip to step # 9)**
- 7. **Reviews** the request and denial for legal compliance.
  - 7a. If compliant, **notifies** the Department Head/Elected Official in writing.
  - 7b. If not compliant, **works** with Department Head/Elected Official to come into compliance.
- 8. **Makes** any necessary adjustments to Become compliant.
- 9. **Notifies** the employee/client in writing of the request's outcome.
- 10. **Files** the request and documentation for six years.

**Privacy Compliance Officer**

**Department Head/Elected Official or Designee**

Effective Date: January 1, 2006	<b>PROCEDURE</b>	Page: 1 of 2
Cancels:		Approved by: BOCC
See Also:		Res. #064931

PRO - 01600-5 - HR

REQUESTING TO AMEND PHI

**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 amend 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. Amends** the necessary records within ten calendar days of the request.

**4a.** If an amendment of the PHI is unacceptable, **forwards** the request and a written denial letter to the Privacy Compliance Officer. **(Skip to step # 7)**

**4b.** If the request cannot be accommodated within ten calendar days, **writes** the employee/client stating the reason for the delay and the date the amendment will take place (no later than 21 days from the date of the request).

**5. Notifies** all other entities/individuals that may use a record of the changes and **records** the necessary disclosures.

**6. Records** the amendments made. **(Skip to step # 9)**

Privacy Compliance Officer

7. **Reviews** the request and denial for legal compliance.

7a. If compliant, **notifies** the Department Head/Elected Official in writing.

7b. If not compliant, **works** with Department Head/Elected Official to come in to compliance.

Department Head/Elected Official or Designee

8. **Makes** any necessary adjustments to become compliant.

9. **Notifies** the employee/client in writing of the request's outcome and **mails** the necessary copies within ten days of the request.

10. **Files** the request and documentation for six years.

Effective Date: January 1, 2006	Page: 1 of 2
<b>PROCEDURE</b>	
Cancels: See Also:	Approved by: BOCC Res. #064931

PRO - 01600-7 - HR

DOCUMENTING AND ACCOUNTING FOR DISCLOSURES OF PHI

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 the health care.

Action By:

Action:

Employee/Client

1. **Requests** in writing of the Department Head/Elected Official to disclose his/her PHI.
2. **Verifies** the identity of the employee/client. This may be done through personal knowledge or photo identification.
3. **Provides** the employee/client with an Authorization Form.

Department Head/Elected Official or Designee

- 3a. If no authorization form is required, **reviews** the request for legal compliance. (**Skip to step # 7**)

Employee/Client

4. **Completes** the Authorization Form.
5. **Returns** the Authorization Form to the Department Head/Elected Official.

Effective Date: January 1, 2006	<b>PROCEDURE</b>	Page: 1 of 1
Cancels: See Also:		Approved by: BOCC Res. #064931

PRO - 01600-8 - HR REQUESTING TO MODIFY AND/OR COPY AN AUTHORIZATION FORM

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 modify/copy his/her Authorization Form.

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. **Modifies/copies** the Authorization Form.

4a. If the modification/copy is unacceptable, **forwards** the request and a written denial letter to the Privacy Compliance Officer. **(Skip to step # 7)**

5. **Notifies** the appropriate parties that the Authorization Form has been modified.

6. **Records** that the Authorization Form has been modified/copied. **(Skip to step #9)**

Privacy Compliance Officer

7. **Reviews** the request and denial for legal compliance.

7a. If compliant, **notifies** the Department Head/Elected Official in writing.

7b. If not compliant, **works** with Department Head/Elected Official to come into compliance.

Department Head/Elected Official or Designee

8. **Makes** any necessary adjustments to become compliant.

9. **Notifies** the employee/client in writing of the request's outcome and **mails** the necessary copies.

10. **Files** the request and documentation for six years.

Effective Date: January 1, 2006

Page: 1 of 1

**PROCEDURE**

Cancels:  
See Also:

Approved by: BOCC  
Res. #064931

**PRO - 01600-9 - HR REQUESTING REVOCATION OF AUTHORIZATION TO USE/DISCLOSE PHI**

**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 revoke his/her Authorization Form.

**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. **Revokes** authorization form.
  - 4a. If the revocation is unacceptable, **forwards** the request and a written denial letter to the Privacy Compliance Officer. **(Skip to step # 7)**
5. **Notifies** the appropriate parties that the Authorization Form has been revoked, **stopping** the use/disclosure of PHI.
6. **Records** that the Authorization Form has been revoked. **(Skip to step #9)**

Privacy Compliance Officer

7. **Reviews** the request and denial for legal compliance.

7a. If compliant, **notifies** the Department Head/Elected Official in writing.

7b. If not compliant, **works** with Department Head/Elected Official to come into compliance.

Department Head/Elected Official or Designee

8. **Makes** any necessary adjustments to become compliant.

9. **Notifies** the employee/client in writing of the request's outcome.

10. **Files** the request and documentation for six years.

Effective Date: January 1, 2006	Page: 1 of 2
<b>PROCEDURE</b>	
Cancels: See Also:	Approved by: BOCC Res. #064931

PRO - 01600-10 - HR GRIEVANCE PROCEDURE

Definitions

**Grievance** - a written concern about Whitman County's compliance with health information privacy laws and regulations.

**BOCC** - Board of County Commissioners

**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:

Complainant

1. **Provides** a written grievance to the Privacy Compliance Officer.

Privacy Compliance Officer

2. **Reviews** the grievance.

3. **Interviews** the complainant, the Department Head/Elected Official, and the appropriate employees.
4. **Documents** his/her conclusion regarding the grievance.
5. **Forwards** the conclusion and advice to the Department Head/Elected Official.
6. **Takes** action based on the grievance and the Privacy Compliance Officer's advice.
7. **Documents** the outcomes.
8. **Forwards** the Privacy Compliance Officer a written statement of the outcomes.
9. **Reviews** the outcomes for legal compliance.
  - 9a. If the outcomes are compliant, **initials** the statement and **files** it for six years.
  - 9b. If the outcomes are not compliant, **works** with the Department Head/Elected Official to come into compliance.
10. **Adjusts** the outcomes appropriately.
  - 10a. If he/she disagrees with the Privacy Compliance Officer, **appeals** the decision in writing to the BOCC.
11. **Reviews** the grievance and appeal.
12. **Investigates** the grievance and appeal.
13. **Decides** if the outcomes were appropriate.
14. **Notifies** the Privacy Compliance Officer in writing of their decision.
15. **Reviews** the decision.

Department Head/Elected Official

Privacy Compliance Officer

Department Head/Elected Official (Skip to step #18)

BOCC

Privacy Compliance Officer

16. **Notifies** the Department Head/Elected Official in writing of the BOCC decision.

16a. If the BOCC decides the original outcomes were appropriate, **files** all documentation for six years. (Skip to step #20)

Department Head/Elected Official

17. **Adjusts** any outcomes appropriately.

18. **Notifies** the Privacy Compliance Officer in writing that the adjustments have been made.

19. **Records** the changes made.

Privacy Compliance Officer

20. **Notifies** the complainant in writing of the grievance's outcomes.

21. **Records** the outcomes.

22. **Files** all documentation for six years.

064932 18. A copy of the proposed GCBH interlocal agreement and bylaws was received from Mike Berney for the Board's review. Commissioner Finch **moved**, Commissioner Wigen **seconded** the motion and it **carried** to extend the contract.

064933 19. An email was received from Bruce Baldwin regarding PRCC Railroad's recently instituted \$870.00 per car surcharge (equaling \$.26 per bushel of wheat) that will effectively end shipping on the railroad purchased with tax dollars.

064934 20. An email inquiry regarding a possible ethanol production plant using wheat straw was received from Rolf McEwen of Oregon. Chairman Partch forwarded a response.

064935 21. A letter was received from Robert Zorb concerning the proposed Rural Residential ordinance.

064936 22. A letter was received from Linda Jovanovich concerning the proposed Rural Residential ordinance.

064937 23. A letter was received from the League of Women Voters of Pullman concerning the proposed Rural Residential ordinance.

**BOCC MINUTES-12/27/05**

**064938**     **24.** A response was forwarded to Marie Fowler regarding dog control in the unincorporated areas of the county. Ms. Fowler returned an email to the Board.

**25.** Executed copies of the following documents received:

- 064939**     DSHS contract #0563-84925 for the 2005-2007 program agreement,
- 064940**     DSHS contract #0563-84585 2005-2007 consolidated services,
- 064941**     Palouse River Counseling Center Ropes Course cooperative agreement,
- 064942**     Cascade Software Systems, Inc. for Public Works cost accounting software, and
- 064943**     Washington State Military Dept. contract amendment #E05-210(A).

**D064943A**   **26.** Commissioners' pending list reviewed.

**10:00 a.m. - Community Development Block Grant-Public Service.**

Present: Karl Cozad, Community Action Center (CAC) and Kelli Campbell.

**064944**     The Chairman convened the hearing for the Community Development Block Grant (CDBG) for public service and requested a report.

Karl Cozad said the purpose of the hearing is because CAC receives funds from the community block grant program for operation of the agency. They are required to hold a public hearing before the county commissioners and invite/solicit public input. He recapped what they have done over the past year as an agency and looks forward to continuing those services in Whitman County.

CAC has been in business for 16 years; it has been extremely successful and from talking to partners in the community, he has heard nothing but positive response for what they do and accolades to the agency, staff, volunteers and the partnerships they've established.

Community Action has served over 5,000 individuals on an annual basis over the past 5 years. These certainly are indications of a need to serve low-income and poverty level populations in Whitman County.

CAC provides financial assistance, education, information and referrals to other community partners and services in the pursuit of healthy, safe and stable communities.

**Who They Serve:**

- Children constitute 35% of CAC's clients. Most of them are from working poor families.
- 19% of their clients are elderly or disabled.
- They serve nearly 5,000 people each year.
- Of the households served, 21% are employed full time.

**Moving People Through Crisis:**

- 82 homeless people received emergency shelter and 171 people were assisted from temporary shelter to permanent housing.
- 37 households received monthly assistance with housing and worked with Family Development Specialists to evaluate their resources and set goals toward self-sufficiency.
- 168 households received help with transportation costs.
- In 2005, 100,264 pounds of food were distributed from the CAC Community Food Bank to 1,879 families. With help from the community, CAC received 57,069 pounds of donated food supplies.
- 768 households received \$240,596 help with emergency home heating costs of which 114 were senior citizens.
- 1,106 households received \$422,200 from the Low-Income Energy Assistance program.
- Additional help was given to Whitman County families with funds from Sacred Heart Parish, the Colfax Community Fund, Salvation Army Services and FEMA.

**Providing Education and Referrals:**

- CAC provided over 800 households with energy conservation, basic food education and money management skills.
- 75 people received legal advice and referral from the CAC coordinator and the Northwest Justice Program. 10 people were provided pro bono legal representation from Whitman County attorneys.

**Moving to Self-Sufficiency:**

- A vital part of helping a family move to self-sufficiency is the one-on-one time CAC's Family Development Specialists are able to give. They work with people to identify their strengths and assets, guide them toward a plan and help them believe they can achieve their goals and transform their lives. It is important to note that CAC's objective and mission is to help people become self-sufficient. This is not merely a handout program.

It is also important to note, over the past 5 years, CAC itself has pumped between \$3-\$4 million per year into the local economy through services, contracts and payroll. The dollars CAC receives certainly turn over in the community in terms of acquiring goods and services. It is a 2-edged benefit, not only to those that need CAC services but it also has an impact on Whitman County's economy.

Basically, CDBG funds are utilized to operate the agency and to make sure services are delivered to individuals in need. CAC feels very fortunate to have this cooperative effort and recognizes they are indeed a positive impact on the community.

Commissioner Wigen said CAC has done a good job and has been a good program for the past 16 years.

**BOCC MINUTES-12/27/05**

Commissioner Finch suggested CAC provide cooking classes to educate their clients how to prepare wholesome inexpensive meals. Mr. Cozad agreed to look into this suggestion.

Chairman Partch concurred the educational component is necessary considering the great resources Whitman County has in its own backyard, meaning wheat, barley, peas, etc.

Mr. Cozad did mention additional funding is coming from the state for the energy assistance program.

There being no comments from those in attendance the hearing was adjourned. No action required by the Board.

**10:30 a.m. - Dane Dunford, Public Works Director.**

Present: Mark Storey.

**Action Items:**

**064945** 1. Commissioner Wigen **moved**, Commissioner Finch **seconded** the motion and it **carried** that the resolution to initiate county road maintenance projects to update old roadway signs be signed as presented.

**RESOLUTION NO. 064945**

**BEGORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

In the matter of initiating county road maintenance projects designated as CRMP No. 0017 Et Al, Projects No. XFG50 and XFG51.

IT IS HEREBY REOSLVED that the following roads based on the following prioritization be improved as funds allow: Rosalia, Palouse Cove, Pullman-Albion, Pullman Airport, Colfax Airport, Rosalia Exit North, Hume, Dry Creek, Pine-city Malden, Wells, Endicott, Albion, Klemgard, Farmington, Elberton, Rock lake, Lamont, Lancaster, Endicott-St. John, Clear Creek, Winona South, Scott, Scharpenberg, Hamilton Hill and Wawawai.

Update old roadway signs with new high visibility signs that conform to MUTCD Standards and apply pavement marking.

This project is hereby declared to be a public necessity and the County Engineer is hereby ordered and authorized to report and proceed thereon as by law provided (RCW 36.75.050, 36.80.030, 36.80.070).

IT IS FURTHER RESOLVED that an appropriation from the official adopted county road fund budget and based on the County Engineer's estimate is hereby made in the amounts and for the purposes shown:

**BOCC MINUTES-12/27/05**

<b>PURPOSE</b>	<b>AMOUNT OF APPROPRIATION</b>
Engineering (PE &CE)	\$ 50,000.00
Maintenance	<u>\$450,000.00</u>
TOTAL	\$500,000.00

This project was included in the official adopted annual road program as Item No. 1.

IT IS FURTHER RESOLVED that the construction is to be accomplished by contract in accordance with RCW 36.77.020 et. Seq.

ESTIMATED date of commencing work: January 10, 2006

ESTIMATED date of completing work: October 31, 2007

ADOPTED this 27<sup>th</sup> day of December 2005.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

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

ATTEST:

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

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

\_\_\_\_\_  
Les Wigen, Commissioner

**Engineering Division:**

**D064945A 2.** The Transportation Improvement Board (TIB) has sent letters to all towns for seal coat funding. As usual, Public Works will do as much as they can but they may not be able to honor all requests based on their own workload. They will approach all requests on a first come basis.

**Maintenance Division:**

**D064945B 3.** Mr. Dunford advised the Board load limits have been initiated today countywide. This week, no permits whatsoever will be issued.

**Administrative Division:**

**D064945C 4.** Chairman Partch said proposed legislation concerning removal of motorcycle sign language on gravel roads was discussed at the last Quad counties meeting.

**D064945D 5.** Chairman Partch talked to Jay Weber about the possibility of a County Road Administration Board program for counties to convert gravel roads to paved road.

**11:00 a.m. - Recess.**

1:00 p.m. - Kelli Campbell, Human Resources.

D064945E 27. Commissioner Wigen **moved**, Commissioner Finch **seconded** the motion and it **carried** to go into executive session with the above individual until 1:15 p.m. for negotiation matters.

1:30 p.m. - Return to Open Session.

1:30 p.m. - Jean Wardwell, Dane Dunford, Mark Storey and Maribeth Becker.

D064945F 28. Commissioner Wigen **moved**, Commissioner Finch **seconded** the motion and it **carried** to go into executive session with the above individual(s) until 2:15 p.m. for personnel matters.

2:15 p.m. - Return to Open Session/Adjourn.

D064945G Commissioner Finch **moved** to adjourn the **December 27, 2005** meeting. Motion **seconded** by Commissioner Wigen and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **January 3, 2005**. The foregoing action made this **27th** day of **December 2005**.

ss/ G.R. FINCH, Commissioner  
ss/ LES WIGEN, Commissioner

---

MARIBETH BECKER, CMC  
Clerk of the Board

---

GREG PARTCH, CHAIRMAN  
Board of County Commissioners