

RESOLUTION 2014 - 64



**A RESOLUTION OF THE CITY OF SUNNYSIDE,
WASHINGTON, ADOPTING AN INTERIM HEALTH CARE
INFORMATION POLICY**

WHEREAS, the Washington legislature by Engrossed Substitute Senate Bill 6265, in an effort to consolidate and strengthen patient privacy protections and standards, has amended RCW 70.02.290 requiring local agencies that are not health care facilities or providers to establish a policy to protect patients from the dissemination of unrequested health care information; and

WHEREAS, Engrossed Substitute Senate Bill 6265 became effective on July 1, 2014, however, the Department of Health has yet to create regulations or model policy as required by this new law; and

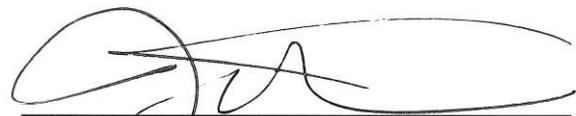
WHEREAS, to come into compliance with the new law, the adoption of an interim policy until such model policies or regulations are prepared.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:

SECTION 1. The Interim Health Care Information Policy is adopted, which shall read as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. This Resolution shall be effective upon the 1st day of December, 2014, and shall continue until such policy is amended or rescinded.

PASSED this 22nd day of September, 2014.



JAMES A. RESTUCCI, MAYOR

ATTEST:



DEILAH SAENZ, CMC, CITY CLERK

APPROVED AS TO FORM:



KERR LAW GROUP, PLLC
Attorneys for the City of Sunnyside

CITY OF SUNNYSIDE

INTERIM HEALTH CARE INFORMATION POLICY

I. PURPOSE OF POLICY

- A. The purpose of this policy is to provide patient privacy protections for patient's unrequested health care information provided to the departments of the City which do not qualify as a "health care provider" or is otherwise covered by the requirements of the Health Insurance Portability and Accountability Act (HIPAA) and the specific application of RCW 70.02 "Uniform Health Care Information Act" (UHCIA).
- B. For the purpose of the application of this policy, a City health care provider shall be limited to emergency medical services providing health care to patients and health care operations incident to the provisions of health care as defined by RCW 70.02.010. All other departments and agencies of the City, for the purpose of this Policy are not health care facilities or providers and are subject to the requirements of this Policy.

II. GUIDELINES

- A. All information subject to this Policy is defined as any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care, including a patient's deoxyribonucleic acid (DNA) and identified sequence of chemical base pairs. The term also includes any required accounting of disclosures of health care information.
- B. Unrequested medical care information means any health care information received by an applicable City department which was not requested by the department unless authorized by the patient pursuant to RCW 70.02.030, or otherwise exempted under Chapter 70.02 RCW.
- C. In the event of receipt of unrequested patient health care information by a department not authorized to receive such information, it should be immediately identified and date stamped upon its receipt.
- D. Such information shall be secured so as to assure the information is not used nor disclosed by:
 - 1. Storing the information in a secure location and file designated as "confidential."
 - 2.. Never leave the information in an open file on unattended desk or area.

EXHIBIT "A"

3. Never keep an open file containing patient information on top of a desk or accessible at the end of the work day or shift.
- D. In the event the unrequested health care information was received from a health care facility or provider and subject to Chapter 70.02 RCW, such information shall promptly be returned to the agency at the address contained in the transmittal to the City, or upon ascertainable, to the agency commonly designated address. "Confidential" patient information subject to RCW 70.02" shall be conspicuously posted on the return transmittal together with a letter identifying the information, its receipt by the City, and disclosure that such health care information has not been used or disclosed to any third-parties.
 - E. In the event the requested information is received from a person or entity that is not the health care facility or record of a public entity, the information shall be promptly destroyed by shredding and notice of shredding shall be provided to the sender at the address included in the transmittal if ascertainable.
 - F. In the event of inadvertent disclosure of this information to a third party, the City shall:
 1. Provide notice, within fifteen (15) days of discovery to the individual or individuals that their health care information has been disclosed including:
 - (a) The name of the individual identified in the health care information.
 - (b) Proximate date of its receipt by the City.
 - (c) The name of the person or entity originally providing the information to the City and address, if available.
 - (d) The brief description of the disclosure to the third party.
 - (e) Disposition of the information by destruction or return.
 - (f) City contact for questions.

III. EFFECTIVE DATE

- A. This Policy shall be effective on the 1st day of December, 2014, and shall continue until such Policy is amended or rescinded.

IV. POSTING

- A. This Policy shall be posted upon the City's website as required by RCW 70.02.290.