

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 08-2023**

**A RESOLUTION OF THE CITY OF KERRVILLE, TEXAS DESIGNATING
THE CITY OF KERRVILLE AS A HIPAA HYBRID ENTITY IN
COMPLIANCE WITH THE HEALTH INSURANCE PORTABILITY AND
ACCOUNTABILITY ACT OF 1996 (HIPAA); AND PROVIDING AN
EFFECTIVE DATE**

WHEREAS, the City of Kerrville, Texas (“City”) is a home-rule municipal corporation acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and the regulations promulgated thereunder; the Health Information Technology for Economic and Clinical Health Act (“HITECH”) and the regulations promulgated thereunder; both require public and private entities that provide certain health care services to comply with regulations related to the collection, use, disclosure, and security of individually identifiable health information; and

WHEREAS, as a “covered entity” under HIPAA, the City strives to protect the confidentiality, integrity, and availability of protected health information (“PHI”) by taking reasonable and appropriate steps to protect the security and privacy of PHI and complies with all applicable laws and regulations relating to data privacy and security, including HIPAA, HITECH, and the Texas Medical Records Privacy Act; and

WHEREAS, because the City is a single legal entity with business activities that include both covered and non-covered functions, the City, pursuant to City Council’s adoption of Resolution No. 45-2003, declared itself a Hybrid Entity as defined by 45 C.F.R. § 164.103 and in accordance with 45 C.F.R. § 164.105(a)(2)(iii); and

WHEREAS, since the adoption of Resolution No. 45-2003, the Federal Government has amended HIPAA rules and passed HITECH such that the City wishes to revise its designation of HIPAA Health Care Components, designate Business Associate Components, and appoint HIPAA Privacy and Security Officers.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF KERRVILLE, TEXAS, THAT:**

SECTION ONE. The City repeals Resolution No. 045-2003 dated April 8, 2003 in its entirety.

SECTION TWO. The City is designated as a “hybrid entity” pursuant to 42 C.F.R. 164 for the purposes of HIPAA.

SECTION THREE. The City designates the following City departments as Healthcare Components covered under HIPAA:

- a. The Kerrville Fire Department to the extent it performs covered functions as the operator of the Kerrville Emergency Medical Service (“EMS”), which excludes the search and rescue, firefighting, and law enforcement functions.
- b. The City’s Human Resources Department to the extent it performs workers compensation evaluation services relating to physical medical evaluations and participates in employee background checks that require medical evaluations, testing, or evaluation.

SECTION FOUR. The City designates the following departments as a City Business Associate Components:

- a. The City Attorney’s Office to the extent it provides services to the City’s designated Healthcare Components that are required to comply with HIPAA.
- b. The Finance Department to the extent it provides services to the City’s designated Healthcare Components that are required to comply with HIPAA.
- c. The City’s Human Resources Department to the extent it provides services to the City’s designated Healthcare Components that are required to comply with HIPAA outside of the activities that falls within its covered components.
- d. The City’s Information Technology Department to the extent it provides services to the City’s designated Healthcare Components that are required to comply with HIPAA.

SECTION FIVE. City Council designates the following position as the City’s HIPAA Privacy Officer responsible for the development, implementation, and oversight of the City’s HIPAA privacy policies and procedures:

Director of Human Resources or the individual acting as that role

SECTION SIX. City Council designates the following position of the City as the City’s HIPAA Security Officer responsible for security policies and procedures:

Director of Information Technology

SECTION SEVEN. City Council directs and authorizes the City Manager to ensure that the HIPAA Privacy and Security Officer(s) work in conjunction with the City Manager and City Attorney to approve changes in the designation of departments, divisions, units, and/or programs as health care components or business associate components to maintain compliance with HIPAA and the Texas Medical Records Privacy Act, to develop policies and procedures, and outline other actions as necessary for the implementation of this Resolution and compliance with HIPAA, HITECH, and the Texas Medical Record Privacy Act.

SECTION EIGHT. This Resolution shall take effect immediately from and after the date of passage and it is so resolved.

PASSED AND APPROVED on this 28 day of FEBRUARY, 2023.

Judy Eychner
Judy Eychner, Mayor

APPROVED AS TO FORM:

William L. Tatsch
William L. Tatsch, Asst. City Attorney

ATTEST:

Shelley McElhannon
Shelley McElhannon, City Secretary