



San Bernardino County

Legislation Text

File #: 7418, Agenda Item #: 64

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

**REPORT/RECOMMENDATION TO THE BOARD OF DIRECTORS
OF THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT
AND RECORD OF ACTION**

January 24, 2023

FROM

**DAN MUNSEY, Fire Chief/Fire Warden, San Bernardino County Fire Protection District
VICTOR TORDESILLAS, Director, Department of Risk Management
TOM BUNTON, County Counsel**

SUBJECT

Non-Financial Memorandum of Understanding between the San Bernardino County Fire Protection District and San Bernardino County to Disclose Protected Health Information

RECOMMENDATION(S)

1. Acting as the governing body of San Bernardino County, approve non-financial Memorandum of Understanding between the San Bernardino County Fire Protection District and San Bernardino County, on behalf of its Department of Risk Management and Office of County Counsel, for the San Bernardino County Fire Protection District to disclose Protected Health Information to San Bernardino County for the purposes of assisting the San Bernardino County Fire Protection District in its health care operations relating to legal and risk management services, effective January 24, 2023, and continuing until terminated by either party.
2. Acting as the governing body of the San Bernardino County Fire Protection District, approve non-financial Memorandum of Understanding between the San Bernardino County Fire Protection District and San Bernardino County, on behalf of its Department of Risk Management and Office of County Counsel, for the San Bernardino County Fire Protection District to disclose Protected Health Information to San Bernardino County for the purposes of assisting San Bernardino County Fire Protection District in its health care operations relating to legal and risk management services, effective January 24, 2023, and continuing until terminated by either party.

(Presenter: Dan Munsey, Fire Chief/Fire Warden, 387-5779)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Provide for the Safety, Health, and Social Service Needs of County Residents.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

Approval of the recommended non-financial Memorandum of Understanding (MOU) will not result in the use of Discretionary General Funding (Net County Cost). This is a non-financial MOU that defines the responsibilities of the entities regarding exchange of Protected Health Information (PHI).

BACKGROUND INFORMATION

San Bernardino County Fire Protection District (SBCFPD) is a community based, all hazard emergency services organization providing various services dedicated to the protection of life and property of the public it serves. SBCFPD offers services beyond fire suppression and protection, including but not limited to emergency medical services, household hazardous waste collection, and hazardous response, and partners with various private and public collaborators to protect the community.

San Bernardino County on behalf of its Department of Risk Management (Risk Management) and Office of County Counsel (County Counsel) provides SBCFPD with legal and risk management services. For example, County Counsel provides legal advice to SBCFPD, as well as represents SBCFPD in litigation. Risk Management provides SBCFPD with an integrated Risk Management program including risk assessment, loss control and prevention, claims management and appropriate risk financing and recovery. SBCFPD may at times need to disclose PHI to Risk Management and County Counsel for the purposes of assisting SBCFPD in its health care operations relating to legal and risk management services.

Approval of the recommended MOU allows for the exchange of PHI and ensures that certain requirements are met in accordance with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 (HIPAA), as amended, and the Health Information Technology for Economic and Clinical Health Act, Public Law 111-005 (HITECH Act). This MOU serves as the Business Associate Agreement under HIPAA and supersedes any prior Business Associate Agreements or MOUs that have served as Business Associate Agreements between the parties.

The recommended MOU must be approved by the governing body of both the County and SBCFPD in order for the MOU to take legal effect. The MOU is effective January 24, 2023 and will continue until terminated by either party pursuant to the terms of the MOU. The MOU may be terminated without cause upon 30 days' written notice by either party.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Scott Runyan, Principal Assistant County Counsel, and Tom Buntun, County Counsel, 387-5455) January 12, 2023; Risk Management (Victor Tordesillas, Director, 386-8623) on January 6, 2023; Finance (Tom Forster, Administrative Analyst, 387-4635) on January 3, 2023; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on January 4, 2023.