

RESOLUTION NO. 561-03

RESOLUTION FOR HIPAA HEALTH PLAN EXEMPTION

WHEREAS the deadline for implementation for the HIPAA (Health Insurance Portability and Accountability Act of 1996) Transactions and Code Sets for a "health plan" is October 16, 2003,

WHEREAS the MH/DD Management Program had previously been identified as a "covered entity" and "plan" for the purposes of HIPAA,

WHEREAS the Iowa Department of Human Services has identified Targeted Case Management and Adult Rehabilitation Option Services as not being health services as defined by HIPAA rules,

WHEREAS the Bureau of Community Services-Division of Behavioral, Developmental and Protective Services-State Payment Program has determined that they are not a "health plan" or a "covered entity" for the purposes of HIPAA,

WHEREAS it is unclear what value would be returned to taxpayers in the form of compliance or efficiency to enter a proposed 28E Agreement with ISAC for clearinghouse services,

WHEREAS less than 10% of services funded by the MH/DD Management Program are considered typical health care services,

WHEREAS HIPAA Federal Rules allow an exemption for "health plans" whose "primary purpose" is other than the provision of health care,

THE BOARD HEREBY RESOLVES that the MH/DD Management Program does not meet the definition of a "health plan" under the HIPAA regulations given the exemption allowed under the "health plan" definition that refers to the "primary purpose of a program being other than the provision of health care". Therefore, the MH/DD Management Program is not considered a "covered entity" for HIPAA purposes. The Mitchell County MH/DD Management Program will comply with the privacy rules of HIPAA in the management of personal health information as a "business associate."

PASSED and APPROVED this 23rd day of December, 2003.


Chair

Attest:

Auditor