COUNTY OF CURRY, NEW MEXICO
NOTICE OF INTENT TO ADOPT ORDINANCE NO. 04-02

NOTICE IS HEREBY GIVEN that on May 18, 2004, the Curry County Commission will consider adopting and approving Ordinance No. 04-02 relating to the privacy of county employees' heath information. The title of Ordinance No. 04-02 is:

AN ORDINANCE IMPLEMENTING PRIVACY PRACTICES REGARDING HEALTH INFORMATION PERTAINING TO COUNTY EMPLOYEES PURSUANT TO THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT ("HIPAA").

COMPLETE COPIES OF THE ORDINANCE ARE ON FILE IN THE OFFICE OF THE COUNTY CLERK AT THE CURRY COUNTY COURTHOUSE, 700 NORTH MAIN STREET, CLOVIS, NEW MEXICO, AND ARE AVAILABLE FOR INSPECTION AND/OR PURCHASE DURING REGULAR OFFICE HOURS. THIS NOTICE ALSO CONSTITUTES COMPLIANCE WITH SECTIONS 6-14-4 THROUGH 6-14-7, NMSA 1978.

WITNESS my hand and seal of the County of Curry on this 20th day of April, 2004.

(SEAL)

County Clerk

Legal: 2440
April 26, 2004

COUNTY OF CURRY, NEW MEXICO
NOTICE OF INTENT TO ADOPT ORDINANCE NO. 04-02

NOTICE IS HEREBY GIVEN that on May 18, 2004, the Curry County Commission will consider adopting and approving Ordinance No. 04-02 relating to the privacy of county employees' heath information. The title of Ordinance No. 04-02 is:

AN ORDINANCE IMPLEMENTING PRIVACY PRACTICES REGARDING HEALTH INFORMATION PERTAINING TO COUNTY EMPLOYEES PURSUANT TO THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT ("HIPAA").

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WITNESS my hand and seal of the County of Curry on this 20th day of April, 2004.

(SEAL)

/s/ Mario Trujillo

COUNTY OF CURRY, NEW MEXICO
NOTICE OF ADOPTION OF ORDINANCE NO. 04-02

NOTICE IS HEREBY GIVEN that on May 18, 2004, the Curry County Commission duly adopted and approved its Ordinance No. 04-02 relating to the privacy of county employees' heath information. The title of Ordinance No. 04-02 is:

> AN ORDINANCE IMPLEMENTING PRIVACY PRACTICES REGARDING HEALTH INFORMATION PERTAINING TO COUNTY EMPLOYEES PURSUANT TO THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT ("HIPAA").

WHEREAS, the federal government has implemented and inacted in 1996 the Health Insurance Portability and Accountability Act (HIPAA); and

WHEREAS, in order to be in full compliance with HIPAA, Curry County adopts this Ordinance to deal with the following four areas of compliance with HIPAA:

(1) Administrative policies and procedures

(2) Notice to participants

(3) Plan documentation and certification

(4) Contracts with business associates

WHEREAS, Curry County has gone through and identified the particular needs of Curry County with regard to compliance with HIPAA.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CURRY COUNTY, NEW MEXICO, which is a duly elected governing body for Curry County, as follows:

(1) Curry County shall implement policies and procedures as may be amended from time to time to maintain the privacy of protected health information (PHI) regarding county employees and to further provide said county employees with notice of their duties and privacy practices with respect to their PHI.

(2) To develop, on behalf of the plan, a privacy policy addressing the Privacy Document Retention Procedures and a complaint/grievance process.

(3) To appoint, on behalf of the plan, a privacy official and contact person.

(4) To establish, on behalf of the plan, procedures for participants to inspect, amend, and receive their PHI and an accounting of its disclosure.

(5) To train appropriate personnel who may receive PHI on behalf of the plan about the plan's privacy policies and practices.

(6) To develop sanctions against members of the Curry County workforce who fail to comply with the privacy policies and procedures adopted by the County.

(7) To design and implement, on behalf of the plan, technical and physical safeguards for securing PHI.

(8) To establish firewalls so that PHI is adequately separated from other employment and business records—this includes designating individuals who are authorized to receive PHI from the plan, training them, and establishing sanctions if the Privacy Rule is not followed.

(9) Review enrollment materials to make sure that the plan does not require individuals to waive their rights under HIPAA's Privacy Rule as a condition of enrollment or eligibility for benefits.

(10) Amend the Curry County Group Health Plan, as may be necessary, to incorporate privacy obligations, and provide the plan with a certification to that effect from the healthplan carrier.

(11) To prepare and distribute, on behalf of the plan, a Notice of Privacy Practices to all participants.

(12) To prepare, on behalf of the plan, a formal authorization for use by participants.

(13) To review and amend contracts with business associates to be sure that they also comply with the HIPAA Privacy Rule.

(14) The implementation of this Ordinance is to be accomplished by a set of policies and procedures which are to modified and/or amended, from time to time, as may be necessary by the Curry County Administration. Any policies and procedures under this Ordinance, and any amendments or modifications thereto may be made by resolution.

PASSED, ADOPTED, SIGNED AND APPROVED this 18th day of May, 2004.

Kathrynn A. Tate, Chairperson

Edwin H. Perales, Vice Chair

Tim L. Ashley, Member

Pete Hulder, Member

J. Albin Smith, Member

(SEAL)

Attest:

County Clerk