

**BOARD OF SUPERVISORS  
COUNTY OF NEW KENT  
VIRGINIA**

**R-08-14**

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 10th day of March, 2014.

Present:	Vote:
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye

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Motion was made by Mr. Burrell, which carried 5:0 to adopt the following resolution:

**A RESOLUTION TO DECLARE THE COUNTY OF NEW KENT  
A HYBRID ENTITY FOR PURPOSES OF HIPAA AND  
IDENTIFYING ITS HEALTH CARE COMPONENTS**

**WHEREAS**, New Kent County (the "County") and the New Kent County Board of Supervisors are committed to compliance with all applicable laws and regulations relating to data privacy and security, including, but not limited to, the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and regulations promulgated thereunder by the U.S. Department of Health and Human Services (the "HIPAA Regulations"); and

**WHEREAS**, the County is a covered entity for purposes of HIPAA because its Fire Rescue Department and Emergency 911 Center ("EMS") transmit protected health information ("PHI") electronically for billing purposes; and

**WHEREAS**, HIPAA Regulations allow for the designation of hybrid entities, in order to segregate those portions of the County that perform covered entity functions from those that only perform non-covered entity functions; and

**WHEREAS**, such hybrid entity designation will simplify the County's compliance with HIPAA Regulations, as only the Fire Rescue Department and Emergency 911 Center will need to comply with the most complicated requirements; and

**WHEREAS**, the Fire Rescue Department and Emergency 911 Center can be adequately separated from the County's non-health care components for purposes of protecting PHI;

**NOW THEREFORE, BE IT RESOLVED** that the New Kent County Board of Supervisors hereby designates the County as a hybrid entity under HIPAA, pursuant to 45 CFR § 164.105.

**BE IT FURTHER RESOLVED** that the following are hereby designated as the health care components of the County's hybrid entity: The New Kent Fire Rescue Department and the Emergency 911 Center.

**BE IT FURTHER RESOLVED** that the County shall ensure that the Fire Rescue Department and Emergency 911 Center comply with HIPAA and all HIPAA Regulations applicable to any covered entity.

**BE IT FURTHER RESOLVED** that all other County Departments or Divisions not otherwise specified or designated as health care components are hereby designated as non-health care components. Health care components are not free to exchange PHI with non-health care components unless such disclosure is permitted under the Privacy Rule. Any person who performs duties for both health care components and non-health care components must not use or disclose PHI in a way that would be impermissible under HIPAA.

**BE IT FURTHER RESOLVED** that the County understands that this hybrid entity designation does not relieve the County of all obligations under HIPAA, as certain oversight, compliance, and enforcement obligations remain.

  
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Rodney A. Hathaway  
County Administrator

  
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Thomas W. Evelyn  
Chairman