

A Resolution

NO. _____

DESIGNATING THE CITY OF FORT WORTH AS A HIPAA HYBRID ENTITY

WHEREAS, Title 2 of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, 1996, as amended by the Health Information Technology for Economic and Clinical Health (HITECH) Act, and the Privacy and Security Regulations at 45 CFR §§ 160 and 164 (hereinafter collectively, “HIPAA”), require covered entities to comply with regulations related to the collection, use, disclosure, and security of protected health information (“PHI”);

WHEREAS, as a covered entity under HIPAA, the City of Fort Worth strives to protect the confidentiality, integrity, and availability of PHI by taking reasonable and appropriate steps to protect the security and privacy of PHI;

WHEREAS, under HIPAA, a covered entity that is a single legal entity and performs both covered and non-covered functions may designate itself as a “hybrid entity” and identify the components that perform covered functions (“Health Care Components”);

WHEREAS, Health Care Components include those components that would meet the definition of a covered entity if it were a separate entity;

WHEREAS, HIPAA also allows a hybrid entity to treat its internal components that perform services for its Health Care Components as if they were business associates under 45 C.F.R. § 164.105(a)(2)(iii)(D), and which the City hereby designates as “Business Associate Components” (“Business Associate Component”);

WHEREAS, HIPAA, and its compliance obligations, apply only to the appropriately designated Health Care Component or Business Associate Component; and

WHEREAS, because the City is a single legal entity with business activities that include both covered and non-covered functions, the City believes it is appropriate to designate itself as a hybrid entity, as defined by HIPAA, and to identify its Health Care Components and Business Associate Components.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS THAT:

The City of Fort Worth is hereby designated as a hybrid entity pursuant to 45 C.F.R. § 164.105(a). Only the Health Care Components and those internal departments that support them as set forth below shall be subject to HIPAA requirements.

The following City departments are designated as Health Care Components of the City of Fort Worth under HIPAA, but only to the extent that they perform HIPAA-covered functions:

1. The City of Fort Worth Office of Medical Director, to the extent it performs covered functions by providing medical direction and clinical oversight for the City of Fort Worth EMS System;
2. The City of Fort Worth Fire Department, to the extent that it performs covered functions as the provider of the City of Fort Worth EMS System, which excludes the firefighting and law enforcement functions;
3. The City of Fort Worth Human Resources Department, to the extent that it performs workers compensation evaluation services relating to physical medical evaluations and participates in employee background checks that require medical evaluations, testing, or evaluation.

The following departments are internal components of the City that provide services in support of the Health Care Components and are designated as Business Associate Components subject to HIPAA as if they were business associates:

1. The City of Fort Worth City Attorney's Office, to the extent that it provides services in support of the City's designated Health Care Components;
2. The City of Fort Worth Finance Department, to the extent it provides financial, billing, or administrative support to the City's designated Health Care Components;
3. The City of Fort Worth Human Resources Department, to the extent it provides administrative or personnel-related support to the City's designated Health Care Components other than the medical services listed above;
4. The City of Fort Worth Information Technology Solutions Department, to the extent that it provides technology, security, or data services to the City's designated Health Care Components;
5. The City of Fort Worth City Manager's Office – to the extent it provides operational oversight, budgeting, or other administrative services to the City's designated Health Care Components;
6. The City of Fort Worth Lab – to the extent it provides data analytics or other operational support services to the City's designated Health Care Components;
7. The City of Fort Worth Finance Billing Division - to the extent it reviews medical billing, discounts, or vendor management services for the City's designated Health Care Components; and
8. The City of Fort Worth Property Management Department – Fleet Services and Logistics, to the extent that it provides services to the City's designated Health Care Components that otherwise fall outside of the activities that are part of the departments designated Health Care Component.

The City Manager is authorized to amend the list of designated Health Care Components and Business Associate Components as needed to reflect changes in City operations, with such amendments to be ratified by the City Council at its next regular meeting.

Adopted this ____ day of _____ 2025.

ATTEST:

By: _____
Jannette S. Goodall, City Secretary