

June 28, 2005

Board of Supervisors  
Civic Center  
San Rafael, CA 94903

**SUBJECT: Request to adopt resolution establishing the rates charged for reproduction of HHS documents, including Health Insurance Portability and Accountability Act (HIPAA) information requests.**

Dear Supervisors:

**RECOMMENDATIONS:**

1. Adopt attached resolution establishing the rates charged for reproduction of HHS documents, including Health Insurance Portability and Accountability Act (HIPAA) information requests.

**SUMMARY:**

Members of the public frequently request copies of records, including public records; personal health information requested in accordance with the Health Insurance Portability and Accountability Act (HIPAA), and through other means established by law and County policy. In each of these cases, the County may charge for the costs of producing the record.

Administration Regulation No. 13 (AR 13), adopted in February 1994, provides for a charge of \$0.15 per page for copies of public documents. Since 1994, however, the format of records that might be requested has broadened considerably, to include tapes or videotapes, electronic records (CDs) or, in some cases, x-rays or other lab results.

The attached fee schedule applies only to documents produced by HHS staff for clients and other members of the public. It is consistent with the Countywide rate for the cost of document reproduction (\$0.15 per page); specifies that this rate applies to medical records as well as public record documents, and sets fees for the reproduction of other forms of information

**COMMUNITY BENEFIT**

The public will benefit from the clarity of the HHS fee structure regarding the production of documents.

**FISCAL/STAFFING IMPACT:**

Slight increase in revenues may result from this action.

**REVIEWED BY:**    ☐ Auditor Controller  
                         ☐ County Counsel  
                         ☐ Human Resources        ☒ NA

Sincerely,

Larry Meredith, Ph.D.  
Director

### **Charges for HHS Records that do not include Protected Health Information**

<u>Fee:</u>	<u>Type of Action:</u>
No fee may be assessed	Making the record available for public inspection
\$ 0.15 per page	Copying of paper documents requested by members of the public and/or clients or others with a proper authorization. Actual costs of postage may be added if the record is to be mailed.
\$ 0.15 per page	For paper production of an electronic document (such as an e-mail correspondence). Actual costs of postage may be added if the record is to be mailed.
\$1.00 CD, \$2.00 audio tape, \$3.00 videotape	For copying of an electronic record (videotape, audiotape, CD)
Estimate of the cost of staff time	For production of documents requiring staff time, such as summaries of data or difficult-to-produce reports. The estimate of the cost of staff time must be developed in conjunction with the Auditor's Office.
Actual cost	For production of records requiring special processing, such over-sized records, or complex records that require unusual amounts of staff time for reproduction. Actual costs of postage may be added if the record is to be mailed.

### **Charges for Production of Records Containing Protected Health Information:**

<u>Fee:</u>	<u>Type of Action:</u>
No fee may be assessed	For making the documents available for inspection/review; if fewer than ten pages, for initial copy of client's protected health information requested by the client or the client's authorized representative. Actual costs of postage may be added if the document is to be mailed.
\$ 0.15 per page	Additional (beyond the first copy) copying of paper documents requested by a client or client's authorized representative. Actual costs of postage may be added if the record is to be mailed.

\$ 0.15 per page	Copying of paper documents requested by an attorney, insurance company, or similar entity with a properly executed subpoena or client authorization. Actual costs of postage may be added if the record is to be mailed.
\$ 0.15 per page	For paper production of an electronic document (such as an e-mail correspondence) requested by the client or client's representative. Actual costs of postage may be added if the record is to be mailed.
\$ 0.15 per page	For paper production of an electronic document (such as an e-mail correspondence) requested by an attorney, insurance company, or similar entity with a properly executive subpoena or client authorization. Actual costs of postage may be added if the record is to be mailed.
\$ 0.50 per sheet	For production of microfilm records. Actual costs of postage may be added if the record is to be mailed.
Actual cost	For production of documents requiring special processing, such as x-rays. Actual costs of postage may be added if the record is to be mailed.
Estimate of the cost of staff time	For production of documents requiring staff time, such as summaries of data or difficult-to-produce reports. The estimate of the cost of staff time must be developed in conjunction with the Auditor's Office.
No fee will be assessed	For production of records requested by a health provider in the course of treating the client.

### MARIN COUNTY BOARD OF SUPERVISORS AGENDA REQUEST

This form is to be submitted to the BOS office (Room 329) by **NOON on Thursday**, 12 days prior to proposed agenda date.

- Attach to an email message, addressed to *BOS Agenda* via cc:Mail on the LAN
- fax to 499-3645, or deliver to Board of Supervisor's Office, Room 329.

Deadline for submission of **FULL BOS PACKET** is **NOON a.m. on Wednesday**, six days prior to BOS meeting.

**Submitting Department:** Health and Human Services

Staff/Author: Larry Meredith

Phone: 499-6924

Proposed Agenda Date: June 28, 2005

[ y/n ] Dept. Head Approval Obtained

Item Submitted for: [ ] Consent Agenda [ **XX** ] Policy Agenda [ y/n ] 4/5 Vote Required

**Minimum number of copies required:** Consent: original + 10 copies Policy: original + 22 copies

(If your department needs *any* executed or stamped "approved" copies returned to your department, you must submit those copies in addition to the Board's minimum number.)

[ ] Ordinance [ ] Fee Inc./Levy [ y/n ] Item Noticed Noticed Hearing Time: \_\_\_\_\_

[ ] 1st Reading Date for Merit Hearing: \_\_\_\_/\_\_\_\_/\_\_\_\_

Approvals Obtained: [ ] Auditor-Controller [ ] County Counsel [ ] Human Resources

**Description of Item (proposed agenda language):**

**Request to adopt resolution establishing the rates charged for reproduction of HHS documents, including Health Insurance Portability and Accountability Act (HIPAA) information requests.**

**Requested Board Action(s) (numbered list):**

1. Adoption of a resolution establishing the rates charged for reproduction of HHS documents, including Health Insurance Portability and Accountability Act (HIPAA) information requests...

**Special Instructions to BOS Clerk:**

**County Administrator**

Staff: \_\_\_\_\_

Comment:

[ ] Policy [ ] Consent

**Review by CAO** (Required if agenda request is submitted after 4 p.m. on Tuesday preceding Board meeting)

**REVIEWED/APPROVED by** [ ] CAO

Agenda Date Scheduled: \_\_\_\_/\_\_\_\_/\_\_\_\_ Time Scheduled: \_\_\_\_\_ Continued to: \_\_\_\_/\_\_\_\_/\_\_\_\_