COUNTY DEPARTMENT AGENDA REQUEST

Department:	Human Resources	Presenter(s):	Connie Boehnke
Meeting Date:	Thursday, March 25, 2010	Type of Request:	Consent

Wording for the Agenda:

Approval of staff's request for $4,270 from the County's Self Insured Medical Account to purchase an electronic mail encryption product from PGP to aid in compliance with the Health Insurance Portability and Accountability Act (HIPAA).

Background/History/Details:

Human Resources needs the ability to transmit emails containing Protected Health Information (PHI) to health care providers, product vendors and retirement plan vendors in a secure and encrypted format in order to be in compliance with HIPAA regulations. HIPAA provisions require protection against the unauthorized disclosure of an employee's "individually identifiable health information."

Proposals were issued and evaluated by Human Resources and Information Systems Staff. Their recommendation is for the product by PGP.

What action are you seeking from the Board of Commissioners?

Approval of request from Human Resources to purchase an electronic mail encryption product from PGP, using funds from the County's Self-Insured Medical Account in the amount of $4,270.00.

If this item requires funding, please describe:

This purchase will require the use of the County's Self-Insured Medical Account funds.

Has this issue come before the Commissioners in the past?	No	If so, when?	
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Yes	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

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TO: Jack Krakeel

FROM: Connie Boehnke, Lewis Patterson

SUBJECT: HIPPA Email Encryption Compliance

DATE: February 16, 2010

As we have discussed at several Munis Users Meetings, there is a need for the sending and receiving of emails containing Protected Health Information (PHI) in an encrypted format in order to be in compliance with the Health Insurance Portability and Accountability Act (HIPPA).
HIPPA provisions require protection against the unauthorized disclosure of an employee's "individually identifiable health information." Each instance of unauthorized disclosure carries significant monetary penalties and even possible jail time for serious offenses.

The HIPAA Security Standard contains two subparts that relate directly to data integrity, data access and mechanisms for handling data. These include:

> **45 CFR Part 142, § 142.308 (c)**. "Technical security services to guard data integrity, confidentiality and availability." These are processes that protect information and control individual access to information.
>
> **45 CFR Part 142, § 142.308 (d).** "Technical security mechanisms." These are controls that prevent unauthorized access to information that is transmitted across an internal network or across the public Internet.

In addition to communicating PHI with current health care and retirement plan vendors, this level of security will need to be in place should the County decide to transition to self funded health insurance. Attached is a vendor proposal from Information Services for an email encryption solution that appears to be the most economical way of meeting HIPPA requirements. Although we are seeking to acquire this product under professional services, other vendors were researched and their pricing is available for your review. The product runs in a virtual environment, eliminating the need to invest in significant infrastructure. Human Resources had the opportunity to examine the product during a Webinar with the vendor and a representative from Information Services and feels that the product provided by PGP will best meet Fayette County's needs. We recommend starting with the PGP product for external use only with an initial cost of $4,270.00. There will be an annual maintenance fee equal to 25% of the original cost for maintenance and support. This item will need to be purchased with contingency funds.

As time is of the essence in becoming compliant with HIPPA email encryption requirements, we would ask that you give this request timely consideration. Please contact us should you require additional information.