

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: July 29, 2013
	Agenda Item No. 29 Roll Call No. <u>13-1208</u> Communication No. <u>13-404</u> Submitted by: John F. TeKippe, Fire Chief

AGENDA HEADING:

Approval of Business Associate Agreement (BAA) for compliance with the Final Health Insurance Portability and Accountability Act of 1996 (HIPAA) Omnibus Rule, between Intermedix Corporation, Fort Lauderdale Florida, the City’s ambulance billing provider, and City of Des Moines.

SYNOPSIS:

Approval of updates to the BAA for compliance with the Final HIPAA Omnibus Rule, between Intermedix Corporation, Fort Lauderdale, Florida, the City’s ambulance billing provider. On January 17, 2013, the Department of Health and Human Services (DHHS) released a Final Rule implementing various changes under the HIPAA for providers. The Final HIPAA Omnibus Rule requires that specific changes be made to existing business associate agreements. The effective date for changes is September 23, 2013.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

The City and Intermedix Corporation have had an agreement for Des Moines Fire Department ambulance billing since 2009 and that agreement continues pursuant to its renewal amendment dated January 2, 2013. Both the City and Intermedix Corporation comply with the HIPAA regulations, and all other relevant regulations, as a condition of the agreement. HIPAA is prescriptive regarding the protection of certain health information considered confidential under state and/or federal law. When HIPAA or other relevant regulations are changed, it is required and appropriate that the agreement between the City and Intermedix is also updated to reflect those regulation changes.

On January 17, 2013, DHHS released a Final Rule implementing various changes under the HIPAA for providers. The Final HIPAA Omnibus Rule requires that specific changes be made to existing business associate agreements. The effective date for changes is September 23, 2013.

The changes and approval of the BAA are intended to protect the privacy and provide for the security of Protected Health Information (PHI) disclosed by the City to Intermedix, or collected or created by Intermedix, in compliance with the HIPAA Public Law 104-191, and the regulations promulgated there under, including, without limitation, the regulations codified at 45 CFR Parts 160 and 164 (HIPAA Regulations); the Health Information Technology for Economic and Clinical Health Act (HITECH Act), as incorporated in the American Recovery and Reinvestment Act of 2009, and its implementing regulations and guidance issued by the Secretary of the DHHS; and other applicable state and federal laws, all as amended from time to time, including as amended by the Final Rule

issued by the Secretary on January 17, 2013 titled “Modifications to the HIPAA Privacy, Security, Enforcement, and Breach Notification Rules under the Health Information Technology for Economic and Clinical Health Act and the Genetic Information Nondiscrimination Act; Other Modifications to the HIPAA Rules”; and the HIPAA Regulations require the City to enter into an agreement with its business associate meeting certain requirements with respect to the Use and Disclosure of PHI, which are met by this Agreement.

PREVIOUS COUNCIL ACTION(S):

Date: December 7, 2009

Roll Call Number: [09-2235](#)

Action: [Affirming](#) Hearing Officer’s report on appeals of RFP evaluation and selection committee recommendation for award of contract for the provision of ambulance billing and collection services to Intermedix (Fort Lauderdale, FL), accepting proposal of Intermedix and approving award of contract to Intermedix, and authorizing the Finance and Fire Departments to negotiate and the City Manager to execute a contract. ([Council Communication No. 09-846](#)) Moved by Hensley to adopt. Motion Carried 4-3. Nays: Cownie, Mahaffey and Meyer.

Date: September 28, 2009

Roll Call Number: [09-1765](#)

Action: [Extension](#) of contract for medical emergency ambulance billing and collection services with Team Two, Inc. until December 31, 2009. ([Council Communication No. 09-674](#)) Moved by Coleman to adopt. Motion Carried 7-0.

Date: September 8, 2008

Roll Call Number: [08-1591](#)

Action: [Second](#) one-year renewal of contract with Team Two, Inc. for medical emergency ambulance billing services. ([Council Communication No. 08-534](#)) Moved by Vlassis to adopt. Motion Carried 7-0.

Date: September 10, 2007

Roll Call Number: [07-1729](#)

Action: [First](#) one-year renewal of contract for Medical Emergency Ambulance Billing and Collections Services, with Team Two, Inc. ([Council Communication No. 07-529](#)) Moved by Hensley to adopt. Motion Carried 7-0.

Date: September 27, 2004

Roll Call Number: 04-2095

Action: Selection of Advanced Data Processing, Inc. (Miami, Florida) to provide ambulance service billing for three-year period beginning October 1, 2004 with the option of two one-year renewals. ([Council Communication No. 04-481](#)) Moved by Mahaffey to select Team Two Inc. as the service provider. Motion Carried 4-3. Nays: Brooks, Hensley and Vlassis.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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