

**Agenda**  
**Planning and Policy Committee**  
**West Olive Administration Building – Board Room**  
**12220 Fillmore Street, West Olive, Michigan 49460**  
**Thursday, December 8, 2011**  
**9:30 AM**

**Consent Items:**

1. Approval of the Agenda
2. Approval of November 10, 2011 Planning and Policy Committee Meeting Minutes

**Action Items:**

3. 2012 Board of Commissioners Approved Committees and Rates  
Suggested Motion:  
To approve and forward to the organizational meeting of the Board of Commissioners the 2012 Board of Commissioners Approved Committees and Rates.
4. 11-HIPAA Compliance Policy  
Suggested Motion:  
To approve and forward to the Board of Commissioners the following proposed policy for review and comment: 11-HIPAA Compliance Policy.
5. 16-Honorary Resolution Procedure (formerly named Recognition Program Procedure)  
Suggested Motion:  
To approve and forward to the Board of Commissioners the following proposed policy for review and comment: 16-Honorary Resolution Procedure (formerly named Recognition Program Procedure).
6. Establishment of Endowed and Non-endowed Funds with the Holland/Zeeland Area Community Foundation  
Suggested Motion:  
To approve and forward to the Board of Commissioners the establishment of endowed and non-endowed funds with the Holland/Zeeland Area Community Foundation for the Ottawa County Purchase of Development Rights (PDR) Program, and to authorize the County Administrator to sign the agreement on behalf of Ottawa County.
7. Establishment of a Non-endowed Fund with the Coopersville Area Community Foundation  
Suggested Motion:  
To approve and forward to the Board of Commissioners the establishment of a non-endowed fund with the Coopersville Area Community Foundation for the Ottawa County Purchase of Development Rights (PDR) Program, and to authorize the County Administrator to sign the agreement on behalf of Ottawa County.

**Discussion Item:**

8. Procedural Updates to Policies (See Attachments)
9. Closed Session to Discuss Property Acquisition  
Suggested Motion:  
To go into closed session for the purpose of discussing property acquisition.  
(2/3 roll call vote required)

**Adjournment**

**Comments on the day's business are to be limited to three (3) minutes.**

## PLANNING & POLICY COMMITTEE

### Proposed Minutes

DATE: November 10, 2011

TIME: 9:30 a.m.

PLACE: Fillmore Street Complex

PRESENT: Dennis Swartout, Jane Ruiter, Stu Visser, James Holtvluwer, Roger Rycenga

STAFF & GUESTS: Keith VanBeek, Assistant Administrator; Sherri Sayles, Deputy Clerk; Greg Rappleye, Corporation Counsel; John Scholtz, Parks & Recreation Director; Mark Knudsen, Planning & Performance Improvements Director; Betty Blasé, MSU Extension

#### SUBJECT: CONSENT ITEMS

PP 11-049 Motion: To approve the agenda of today as presented and amended adding Action Item 3A – Agreement with Michigan State University for Extension Services.  
Moved by: Swartout UNANIMOUS

PP 11-050 Motion: To approve the minutes of the September 8, 2011, meeting as presented.  
Moved by: Holtvluwer UNANIMOUS

#### SUBJECT: BARRY COUNTY'S REQUEST TO JOIN REGION 8

PP 11-051 Motion: To approve and forward to the Board of Commissioners the Resolution supporting Barry County's request to join Region 8, also known as the West Michigan Regional Planning Commission (WMRPC).  
Moved by: Visser UNANIMOUS

#### SUBJECT: AGREEMENT WITH MICHIGAN STATE UNIVERSITY FOR EXTENSION SERVICES

PP 11-052 Motion: To approve and forward to the Board of Commissioners the Agreement for Extension Services provided by Michigan State University.  
Moved by: Swartout UNANIMOUS

#### SUBJECT: CLOSED SESSION TO DISCUSS PROPERTY ACQUISITION

PP 11-053 Motion: To go into Closed Session at 9:41 a.m. for the purpose of discussing property acquisition. (2/3 roll call vote required)  
Moved by: Ruiters UNANIMOUS

Roll call: Yeas: Visser, Holtvluwer, Ruiters, Swartout, Rycenga. (5)

PP 11-054 Motion: To rise from Closed Session at 9:58 a.m.  
Moved by: Ruiters UNANIMOUS

**SUBJECT: ADJOURNMENT**

PP 11-055 Motion: To adjourn at 9:59 a.m.  
Moved by: Holtvluwer UNANIMOUS

# Action Request



**Committee:** Planning and Policy Committee

**Meeting Date:** 12/8/2011

**Requesting Department:** Administration

**Submitted By:** Keith Van Beek

**Agenda Item:** 2012 Board of Commissioners Approved Committees and Rates

## SUGGESTED MOTION:

To approve and forward to the organizational meeting of the Board of Commissioners the 2012 Board of Commissioners Approved Committees and Rates.

## SUMMARY OF REQUEST:

At the organizational meeting on the first business day after January 1, the Board of Commissioners organize the committees of the board and adopt the Board Rules for that year. The document "Board of Commissioners Approved Committees and Rates" is periodically reviewed and adopted by the Board to authorize which committees are approved for per diem payments.

Attached is a memorandum from Administrator Vanderberg addressing recent questions about the established standing committees of the Board. A separate question regarding mileage for Commissioners will be considered at the December Finance and Administration Committee meeting.

The Board of Commissioners Approved Committees and Rates document with changes as may be recommended by the Planning and Policy Committee, should be forwarded to the full Board for action at the organizational meeting.

For informational purposes, per diem payments in 2010 totaled \$32,540 and has totaled \$30,080 so far in 2011.

## FINANCIAL INFORMATION:

Total Cost: \$33,000.00 | General Fund Cost: \$33,000.00 | Included in Budget:  Yes |  No

If not included in budget, recommended funding source:

## ACTION IS RELATED TO AN ACTIVITY WHICH IS:

Mandated |  Non-Mandated |  New Activity

## ACTION IS RELATED TO STRATEGIC PLAN:

Goal: All

Objective: All

**ADMINISTRATION RECOMMENDATION:**  Recommended |  Not Recommended |  Without Recommendation

County Administrator:

Committee/Governing/Advisory Board Approval Date:

Board of Commissioners Approved Committees and Rates

Effective date: 01/01/2012

Reviewer: Bob Spaman/County of Ottawa

Full day rate: \$70.00 Half day rate: \$40.00

Mileage rate: \$0.555

Agricultural Preservation Board  
Administrator's Evaluation Committee  
Board of Commissioners Meeting  
Board of Commissioners Work Session  
Community Corrections Advisory Board  
Community Mental Health Board  
CMH Annual State Conference  
CMH Executive Committee  
CMH Board Finance Committee  
CMH Board Program Planning and Quality Improvement Committee  
CMH Board Community Relations Committee  
CMH Michigan Assoc for CMH Boards (MACMHB)  
Drain Board PA 20  
Finance & Administration Committee  
Food Advisory Committee  
Food Services Appeals Board  
Grand Valley Metro Council  
GVMC Policy Committee  
GVMC Technical Committee  
Health & Human Services Committee  
Human Resources Committee  
    Personnel Interview Committee  
Lakeshore Coordinating Council  
Legislative Work Session  
Lloyd's Bayou Lake Board (not active)  
Local Emergency Planning Commission (LEPC)  
Macatawa Area Coordinating Council Policy Board  
MDOT Asset Management Council  
Michigan Assoc for Local Public Health (MALPH)  
Michigan Assoc of Counties - Conference  
Michigan Assoc of Counties - Steering  
MSU Cooperative Extension Board  
National Assoc of Counties - Conference  
National Assoc of Counties - Steering  
Ottawa County Central Dispatch Advisory Policy Board  
Ottawa County Economic Development Office Board (Qtrly)  
Ottawa County Insurance Authority  
Ottawa County Jail Diversion Task Force  
Ottawa County Planning Commission  
Parks & Recreation Commission  
Parks & Rec Finance & Personnel Committee  
Parks & Rec Planning Committee  
Parks & Rec Public Relations Committee  
Planning and Policy Committee  
Remonumentation Plan Committee  
Solid Waste Planning Committee  
Southwest Michigan Alliance of Region Three (SMART) - Keyperson - SMART  
Spring Lake Lake Board  
Tax Allocation Board  
Veterans' Affairs Committee  
Wage Study Appeals Committee  
West Michigan Airport Authority (Tulip City Airport)  
West Michigan Regional Planning Commission (Region 8 Planning Commission)  
    Comprehensive Economic Development Strategy Committee (CEDS)



## County of Ottawa *Administrator's Office*

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*County Administrator*  
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**DATE:** November 22, 2011  
**TO:** Chair Phil Kuyers and Board of Commissioners  
**FROM:** Al Vanderberg, County Administrator  
**SUBJECT:** Board Standing Committees

### **BACKGROUND**

Chair Kuyers asked that I provide a memo for your discussion on Board Standing Committees. Standing committees are used in local, state, and federal government to divide labor among elected officials and to develop expertise in different areas. A question has arisen whether the existing standing committee makeup is appropriate and more specifically whether the Board of Commissioners needs to keep the Human Resources Committee and Health & Human Services Committee in place. These two committees have significantly fewer action items on their typical agenda than do the Finance & Administration Committee and the Planning & Policy Committee.

The short answer to this question is “no.” The Board of Commissioners has the full authority to create and utilize from zero standing committees to unlimited numbers of standing committees. Some county boards of commissioners have a “committee of the whole” system where they have only one committee that deals with all matters. While these counties may tout this arrangement as efficient, it really begs the question of even having a standing committee when there is no division of labor or development of specific knowledge and expertise. One major commonality across counties is that all counties have a finance committee called a ways & means committee in some counties that oversees financial matters. Other than the commonality of finance there is a plethora of types, names and functions across counties statewide.

Ottawa County has had four standing committees for many years now: Finance & Administration, Planning & Policy, Human Resources and Health & Human Services. In the mid-1990's Ottawa County had seven standing committees: Finance, Administration & Planning, Criminal Justice, Legislative & Legal Review, Transportation & Land Use, Public Relations, and Health & Human Services. By comparison Kent County has had two standing committees for many years: Finance & Physical Resources and Legislative & Human Resources. There really is no right or wrong answer, just how the Board wants to divide its work. Standing committees provide a valuable training ground for future Board of Commissioner Chairs if a commissioner is elected with little experience running meetings.

The Personnel Committee (now known as the Human Resources Committee) was created as a buffer and place for employees to give input during times when the relationship between employees and the Board and Administration were difficult. As relations have improved through greater transparency, the employee survey, brown bag lunches and other initiatives, this need for the committee has evaporated. The former Special Technology Committee had also formed due to strained relationships between departments and the former MIS (now IT) Department and once these relationships were repaired the need for this committee slowly dwindled and was replaced by a different staff led mechanism. However, the HR Committee has taken on the major task of overseeing the board & committee appointment process and two HR Committee members along with the assistant county administrator now interview each applicant.

Michigan law allows for county boards of commissioners to either assume the responsibility of Michigan Public Health Code oversight or to vest this responsibility in a statutory Public Health Board. Ottawa County eliminated the Public Health Board and took over this responsibility many years ago. I worked with this process first hand when Kent County did the same about 10 years ago. The Health & Human Services Committee plays a front line role per the Health Department reporting process in oversight of the Public Health Code while the formal authority lies with the Board of Commissioners.

#### **EXISTING STANDING COMMITTEES**

The Board Rules provides for the organization of the four standing committees as follows:

##### **Section 4.0 - Finance and Administration Committee**

Five (5) members shall have original jurisdiction over matters of County business in the areas listed as follows:

- a. Purchasing - shall serve as the auditing committee over purchasing.
- b. Financial Control - shall prepare the annual budget, examine County records, make allocations of funds, including personnel costs as recommended by the County Administrator, and recommend to the Board of Commissioners use of all funds allocated.
- c. Insurance - shall receive reports from the Ottawa County, Michigan Insurance Authority, and act as committee of record for insurance matters.
- d. Audit of Claims - shall audit all claims for unpaid bills presented for County payment such as loss of livestock, animal damage, and ambulance charges, etc.
- e. Auditing - shall audit and investigate bills, and present such bills to the Board of Commissioners with recommendations.
- f. Per Diem and Mileage - shall audit and approve per diem and mileage vouchers of members of the Board of Commissioners.
- g. Equalization and Apportionment - shall receive reports from the County Equalization Department and make recommendations as to the equalizing of assessment rolls. Shall make recommendations as to the apportionment of County, Township, School, and Special Assessment taxes in the several districts, and shall receive reports from the County Tax Allocation Board and make recommendations to the Board of Commissioners.
- h. Bonding - shall receive and review all bonding proposals.

- i. Additional Duties of Finance Committee Chairperson - the Finance Committee Chairperson shall serve on such boards and commissions as state statutes require.
- j. Law Enforcement - shall receive reports from the Office of Prosecutor, the Sheriff's Department, and the Animal Control Program, and shall make recommendations to the Board of Commissioners on matters pertaining to law enforcement.
- k. Courts - shall receive reports from the Circuit Court, Family Court, Probate Court, Juvenile Detention Facility, District Courts and the County Clerk in matters pertaining to court functions.
- l. Community Corrections Department - shall receive reports from the Community Corrections Department and make recommendations to the Board of Commissioners regarding those functions.
- m. Contract Review - shall review and receive reports regarding contracts, other than collective bargaining agreements, and make recommendations to the Board of Commissioners concerning relevant contracts.
- n. County Directory - shall work with the County Clerk to modify, update, revise and assure the distribution of the County Directory.
- o. Policy Matters - shall develop and draft policies for consideration by the Board of Commissioners for all matters within its jurisdiction.
- p. Other Matters - such other, similar matters as may be assigned to their jurisdiction by the Chairperson.

#### **Section 4.1 - Planning and Policy Committee**

Five (5) members shall have original jurisdiction over matters of County business in the areas listed below:

- a. Buildings and Maintenance - shall receive reports from the Ottawa County Building Authority, and shall oversee all buildings and grounds owned or leased by the County, including all equipment.
- b. County Strategic Planning - shall be responsible for County strategic planning and goal setting sessions, and shall monitor compliance with the County strategic plan.
- c. Public Works - Water, Sanitation - shall review reports from the Ottawa County Road Commission regarding public works, water, and sanitation projects.
- d. Land Use and Infrastructure Needs - shall initiate and facilitate policy discussions regarding land use and infrastructure needs within Ottawa County.
- e. Planning - shall, through the County Planning and Performance Improvement Department, receive reports from the Ottawa County Planning Commission and the West Michigan Regional Planning Commission (Region 8), the Macatawa Area Coordinating Council, (MACC) and the Grand Valley Metropolitan Council (Metro Council) and shall review and make recommendations to the Board of Commissioners regarding County planning activities.
- f. Agriculture and Conservation - shall receive reports from the County Cooperative Extension Service and handle matters pertaining to agriculture and conservation.
- g. Drains - shall receive reports from the County Drain Commissioner, and review all contracts for drains by the Commissioner.
- h. Parks - shall, through the Parks and Recreation Department, receive reports from the County Parks and Recreation Commission and review the acquisition, development, and operations of the County Park and open-space land system.



- i. Legal Review - Litigation and Resolutions - shall oversee County procedures for the legal work in non-criminal matters, receive reports regarding legal opinions and litigation involving the County, authorize and recommend various ordinances and resolutions to the Board of Commissioners.
- j. Rules and Regulations - shall draft, develop, and receive reports regarding County Rules and Regulations and make recommendations therefore to the Board of Commissioners.
- k. Public Relations - shall develop plans and methodologies to improve relations with the public, and to educate and inform the press and public about County programs and the operations of County government.
- l. Policy Matters - shall develop and draft policies for consideration by the review policies prepared by other Committees as to form and final language before they are submitted to the Board of Commissioners.
- m. Transportation and Planning - shall initiate and facilitate policy discussions regarding future transportation in Ottawa County.
- n. Roads and Bridges - shall receive reports from the Ottawa County Road Commission, the Macatawa Area Coordinating Council (MACC), the Grand Valley Metro Council (Metro Council) and the Michigan Department of Transportation, (MDOT) regarding road, bridges, and transportation planning issues.
- o. Legislature - shall receive reports from state and federal legislative representatives, County lobbyist and the Michigan Association of Counties (MAC) concerning pending and proposed legislation and shall review and report on legislation to the Board of Commissioners.
- p. Other Matters - such other, similar matters as may be assigned to their jurisdiction by the Chairperson.

**Section 4.2 - Health and Human Services Committee**

Five (5) members shall have original jurisdiction over matters pertaining to County business in the areas listed below:

- a. Mental Health - shall receive reports from the Ottawa County Community Mental Health Board and the Ottawa County Community Mental Health Agency.
- b. Public Health - shall receive reports from the Ottawa County Health Department.
- c. Senior Citizens - shall, through the Community Action Agency, receive reports from the Region 14 Council on Aging, and from other agencies regarding Senior Citizens' services.
- d. Department of Human Services - shall receive reports from the Director and Board of Directors of the Ottawa County Department of Human Services.
- e. Substance Abuse - shall receive reports, through the Public Health Department, from the Lakeshore Coordinating Council.
- f. Veterans - shall deal with matters concerning veterans, shall oversee matters under the direction of the Veterans' Affairs Committee, and shall make recommendations concerning County veterans.
- g. Community Action Agency and Department of Employment and Training - shall receive reports from the Community Action Agency (CAA) and the Department of Employment and Training.

- h. Solid Waste - shall, through the Public Health Department, receive reports regarding solid waste matters within the County.
- i. Policy Matters - shall develop and draft policies for consideration by the Board of Commissioners for all matters within its jurisdiction.
- j. Other Matters - such other, similar matters as may be assigned to their jurisdiction by the Chairperson.

#### **Section 4.3 – Human Resources Committee**

Five (5) members shall have original jurisdiction over matters of County business in the areas listed below:

- a. Human Resources - shall receive reports from the Human Resources Department and make recommendations to the Board of Commissioners on matters pertaining to employees.
- b. Collective Bargaining - shall review and receive reports regarding collective bargaining agreements and make recommendations to the Board of Commissioners concerning contract matters.
- c. Employee Relations - shall review practices and policies and make recommendations to the Board of Commissioners on issues related to County employees.
- d. Appointments - shall interview candidates for appointment to County boards and commissions, and make recommendations therefore to the Board of Commissioners.
- e. Policy Matters - shall develop and draft policies for consideration by the Board for all matters within its jurisdiction.
- f. Other Matters - such other, similar matters as may be assigned to their jurisdiction by the Chairperson.

#### **STANDING COMMITTEE COST**

Cost of each standing committee on annual basis:

5 members at \$40/meeting and 12 meetings per year is \$2400

Mileage is: 5 members at \$11 (22 miles avg.) at 12 meetings per year is \$792

The maximum out of pocket cost if all Board of Commissioners attend each meeting and no meetings are cancelled (nor additional meetings held) is \$3,192 for each committee, or a total of \$12,768 for all annually. There does not appear to be any other expenses other than paper for agenda and staff time which are difficult to calculate and for Health & Human Services and Human Resources represent much less paper and time to put together. There would also be “savings” from having less staff time spent in meetings but this would not result in staff reductions but would represent a minimal refocus of time.

#### **PROS AND CONS OF ELIMINATING HEALTH & HUMAN SERVICES COMMITTEE**

The main benefit of eliminating the committee would be the reduction of cost by a maximum of \$2,400 in per-diem and mileage payments to Commissioners along with minor savings in supplies and staff time. The committee has some oversight delegated by the Board of Commissioners by the nature of the committee in regard to the Public Health Code and this reporting mechanism would be added to the Board agenda and process. Perhaps the largest con in eliminating this committee unless its duties were added to another standing committee would

be perception in the human services community. I've been told that this committee was created partly in response to a feeling that County Commissioners were good financial stewards and did not care much for human services in general. This committee has provided a communication forum for human service related groups to access the Board.

### **PROS AND CONS OF ELIMINATING HUMAN RESOURCES COMMITTEE**

The significant pro once again is savings of \$2,400 in Commissioner per-diem and mileage expense and minor savings in supplies and redirection of staff time.

The significant con would be adding the board appointment process workload to Finance & Administration or Planning & Policy.

### **CONCLUSION**

The standing committees represent a division of labor by the Board of Commissioners the number and content of each committee is wholly under the purview of the Board. Basically staff will await a Board determination whether they would like the committee structure to remain the same or be changed for 2012.

# Action Request



**Committee:** Planning and Policy Committee

**Meeting Date:** 12/8/2011

**Requesting Department:** Administration

**Submitted By:** Keith Van Beek

**Agenda Item:** 11-HIPAA Compliance Policy

## SUGGESTED MOTION:

To approve and forward to the Board of Commissioners the following proposed policy for review and comment: 11-HIPAA Compliance Policy.

## SUMMARY OF REQUEST:

County policies require periodic review and updates. This request is to review the County policies and forward them to the Board of Commissioners for a first and second reading before final approval.

The change to the HIPAA Compliance Policy incorporates prior policy 12-HIPAA Policy Manual and Administrative Rule 12-Electronic Health Information Security Policy.

## FINANCIAL INFORMATION:

Total Cost: \$0.00 | General Fund Cost: \$0.00 | Included in Budget:  Yes |  No

If not included in budget, recommended funding source:

## ACTION IS RELATED TO AN ACTIVITY WHICH IS:

Mandated |  Non-Mandated |  New Activity

## ACTION IS RELATED TO STRATEGIC PLAN:

Goal: 4: To Continually Improve the County's Organization and Services.

Objective: 1: Review and evaluate the organization, contracts, programs, systems, and services for potential efficiencies.

**ADMINISTRATION RECOMMENDATION:**  Recommended |  Not Recommended |  Without Recommendation

County Administrator:

Committee/Governing/Advisory Board Approval Date:



# County of Ottawa

## HIPAA COMPLIANCE POLICY

### **I. POLICY**

By federal law, Ottawa County is required to protect the privacy of health information. It is the policy of Ottawa County to comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and the standards, implementation specifications, and other requirements of the HIPAA security and privacy regulations at 45 CFR Part 160 and Part 164.

### **II. STATUTORY REFERENCES**

The Health Insurance Portability and Accountability Act of 1996, and the Federal Regulations found at 45 CFR Part 160 and Part 164.

### **III. COUNTY LEGISLATIVE OR HISTORICAL REFERENCES**

The original Board policy on this subject matter was adopted April 14, 2003

Board of Commissioners Resolution Number and Policy Adoption Date: April 14, 2003

Board of Commissioner Review Date and Resolution Number: August 2005

Name and Date of Last Committee Review: Planning and Policy: July 2005

Last Review by Internal Policy Review Team: November 30, 2011



# County of Ottawa

## IV. PROCEDURE

- A. The revised “County of Ottawa Notice of Privacy Practices” is adopted and shall be implemented in the form attached as Exhibit “A.”
- B. The revised “County of Ottawa Policies for the Protection of Health Information” is adopted and shall be implemented in the form attached as Exhibit “B.”
- C. The revised “County of Ottawa Electronic Health Information Security Protocols” [“the HITECH Policies”] are adopted and shall be implemented in the form attached as Exhibit “C.”

## V. REVIEW PERIOD

The County Administrator will review this policy annually. The Internal Policy Review Team will review this Policy at least once every two years, and will make recommendations for changes to the Planning & Policy Committee.

EXHIBIT "A"

COUNTY OF OTTAWA

NOTICE OF PRIVACY PRACTICES

Effective: April 14, 2003  
Amended: August 12, 2005  
Amended: \_\_\_\_\_, 2011

**THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION OR MENTAL HEALTH INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.**

This notice will tell you how we may use and disclose protected health information or mental health information about you. Protected health information means any health information or mental health information about you that identifies you or for which there is a reasonable basis to believe the information can be used to identify you. In this notice, we call all of that protected health information, "medical information."

This notice also will tell you about your rights and our duties with respect to medical information or mental health information about you. In addition, it will tell you how to complain to us if you believe we have violated your privacy rights.

Versions of this Notice may also be made available in simplified, easy-to-understand formats, and will be made available to you at your request.

\_\_\_\_\_ **How We May Use and Disclose Medical Information About You.**

We use and disclose medical information and mental health information about you for a number of different purposes. Each of those purposes is described below.

**§ For Treatment.**

We may use medical information or mental health information about you to provide, coordinate or manage your health care, mental health care, and related services by both us and other health care providers. We may disclose medical information or mental health information about you to doctors, nurses, hospitals and other health facilities who become involved in your care. We may consult with other health care providers concerning you

and as part of the consultation share your medical information or mental health information with them. Similarly, we may refer you to another health care provider and as part of the referral share medical information or mental health information about you with that provider. For example, we may conclude you need to receive services from a physician or psychologist with a particular specialty. When we refer you to that person, we also will contact that person's office and provide medical information or mental health information about you to them so they have information they need to provide services for you.

**§ For Payment.**

We may use and disclose medical information or mental health information about you so we can be paid for the services we provide to you. This can include billing you, your insurance company, or a third party payor. For example, we may need to give your insurance company information about the health care services or mental health care services we provide to you so your insurance company will pay us for those services or reimburse you for amounts you have paid. We also may need to provide your insurance company or a government program, such as Medicare or Medicaid, with information about your medical condition or mental health condition and the care you need to receive to determine if you are covered by that insurance or program.

**§ For Health Care/ Mental Health Care Operations.**

We may use and disclose medical information or mental health information about you for our own health care operations. These are necessary for us to operate Ottawa County, the Ottawa County Health Department, and the Ottawa County Community Mental Health Agency, and to maintain quality health care for our patients and clients. For example, we may use medical information about you to review the services we provide and the performance of our employees in caring for you. We may disclose medical information or mental health information about you to train our staff and students working here. We also may use the information to study ways to more efficiently manage our organization.

**§ How We Will Contact You.**

Unless you tell us otherwise in writing, we may contact you by either telephone or by mail at either your home or your office. At either location, we may leave messages for you on the answering machine or voice mail. If you want to request that we communicate to you in a certain way ([including email communications](#)) or at a certain location, see "Right to Receive Confidential Communications" on page 8 of this Notice.



§ **Appointment Reminders.**

We may use and disclose medical information or mental health information about you to contact you to remind you of an appointment you have with us.

§ **Treatment Alternatives.**

We may use and disclose medical information or mental health information about you to contact you about treatment alternatives that may be of interest to you.

§ **Health Related Benefits and Services.**

We may use and disclose medical information or mental health information about you to contact you about health-related benefits and services that may be of interest to you.

§ **Individuals Involved in Your Care.**

We may disclose to a family member, other relative, a close personal friend, or any other person identified by you, medical information or mental health information about you that is directly relevant to that person's involvement with your treatment or care or payment related to your treatment or care. We also may use or disclose medical information about you to notify, or assist in notifying, those persons of your location, general condition, or death. If there is a family member, other relative, or close personal friend that you do not want us to disclose medical information about you to, please notify one of the persons listed on Exhibit [1A](#), or tell our staff member who is providing care to you.

§ **Disaster Relief.**

We may use or disclose medical information or mental health information about you to a public or private entity authorized by law or by its charter to assist in disaster relief efforts. This will be done to coordinate with those entities in notifying a family member, other relative, close personal friend, or other person identified by you of your location, general condition or death.

§ **Required by Law.**

We may use or disclose medical information or mental health information about you when we are required to do so by law.

§ **Public Health / Mental Health Activities.**

We may disclose medical information or mental health information about you for public health and mMental hHealth activities and purposes. This includes reporting medical information or mental health information to a public health authority that is authorized by law to collect or receive the information for purposes of preventing, treating, or controlling disease or mental illness. Or, to one that is authorized to receive reports of child abuse and neglect.

§ **Victims of Abuse, Neglect or Domestic Violence.**

We may disclose medical information or mental health information about you to a government authority authorized by law to receive reports of abuse, neglect, or domestic violence, if we believe you are a victim of abuse, neglect, or domestic violence. This will occur to the extent the disclosure is: (a) required by law; or, (b) ~~or~~ agreed to by you; or, (c) authorized by law and we believe the disclosure is necessary to prevent serious harm to you or to other potential victims, or, (d) if you are incapacitated and certain other conditions are met, and a law enforcement or other public official represents that immediate law enforcement activity depends on the disclosure. Any such disclosure will be consistent with the terms of Michigan law.

§ **Health / Mental Health Oversight Activities.**

We may disclose medical information or mental health information about you to a health oversight agency for activities authorized by law, including audits, investigations, inspections, licensure or disciplinary actions. These and similar types of activities are necessary for appropriate oversight of the health care system, government benefit programs, and entities subject to various government regulations.

§ **Judicial and Administrative Proceedings.**

We may disclose medical information or mental health information about you in the course of any judicial or administrative proceeding in response to an order of the court or administrative tribunal. We also may disclose medical information or mental health information about you in response to a subpoena, discovery request, or other legal process but only if efforts have been made to tell you about the request or to obtain an order protecting the information to be disclosed. Any such disclosure will be consistent with the terms of Michigan law.

§ **Disclosures for Law Enforcement Purposes.**

We may disclose medical information or mental health information about you to law enforcement officials for law enforcement purposes:

- a. As required by law.
- b. In response to a court, grand jury or administrative order, warrant or subpoena.
- c. To identify or locate a suspect, fugitive, material witness or missing person.
- d. About an actual or suspected victim of a crime and that person agrees to the disclosure. If we are unable to obtain that person's agreement, in limited circumstances, the information may still be disclosed, as may be required or permitted by Michigan law.
- e. To alert law enforcement officials to a death if we suspect the death may have resulted from criminal conduct.
- f. About crimes that occur at our facility.
- g. To report a crime in emergency circumstances.

§ **Coroners and Medical Examiners.**

We may disclose medical information or mental health information about you to a coroner or medical examiner for purposes such as identifying a deceased person and determining cause of death.

§ **Funeral Directors.**

We may disclose medical information or mental health information about you to funeral directors as necessary for them to carry out their duties.

§ **Organ, Eye or Tissue Donation.**

To facilitate organ, eye or tissue donation and transplantation, we may disclose medical information about you to organ procurement organizations or other entities engaged in the procurement, banking or transplantation of organs, eyes or tissue.

**§ Research.**

Under certain circumstances, we may use or disclose medical information or mental health information about you for research. Before we disclose medical information or mental health information for research, the research will have been approved through an approval process that evaluates the needs of the research project with your needs for privacy of your medical information or mental health information. We may, however, disclose medical information or mental health information about you to a person who is preparing to conduct research to permit them to prepare for the project, but no medical information or mental health information will leave the facilities of Ottawa County during that person's review of the information.

**§ To Avert Serious Threat to Health or Safety.**

We may use or disclose protected health information or mental health information about you if we believe the use or disclosure is necessary to prevent or lessen a serious or imminent threat to the health or safety of a person or the public. We also may release information about you if we believe the disclosure is necessary for law enforcement authorities to identify or apprehend an individual who admitted participation in a violent crime or who is an escapee from a correctional institution or from lawful custody.

**§ Military.**

If you are a member of the Armed Forces, we may use and disclose medical information or mental health information about you for activities deemed necessary by the appropriate military command authorities to assure the proper execution of the military mission. We may also release information about foreign military personnel to the appropriate foreign military authority for the same purposes.

**§ National Security and Intelligence.**

We may disclose medical information or mental health information about you to authorized federal officials for the conduct of intelligence, counter-intelligence, and other national security activities authorized by law.

**§ Protective Services for the President.**

We may disclose medical information or mental health information about you to authorized federal officials so they can provide protection to the President of the United States, certain other federal officials, or foreign heads of state.

§ **Inmates; Persons in Custody.**

We may disclose medical information or mental health information about you to a correctional institution or law enforcement official having custody of you. The disclosure will be made: (a) to provide health care to you; (b) for the health and safety of others; or, (c) for the safety, security and good order of the correctional institution.

§ **Workers' Compensation.**

We may disclose medical information or mental health information about you to the extent necessary to comply with workers' compensation and similar laws that provide benefits for work-related injuries or illness, ~~without regard to fault.~~

§ **Other Uses and Disclosures.**

Other uses and disclosures will be made only with your written authorization. You may revoke such an authorization at any time by notifying one of the persons listed on Exhibit 1A, in writing of your desire to revoke it. However, if you revoke such an authorization, it will not have any affect on actions taken by us in reliance on it.

**Your Rights With Respect to Medical Information About You.**

You have the following rights with respect to medical information or mental health information that we maintain about you.

§ **Right to Request Restrictions.**

You have the right to request that we restrict the uses or disclosures of medical information about you to carry out treatment, payment, or health care operations. You also have the right to request that we restrict the uses or disclosures we make to: (a) a family member, other relative, a close personal friend or any other person identified by you; or, (b) for to public or private entities for disaster relief efforts. For example, you could ask that we not disclose medical information or mental health information about you to your brother or sister.

To request a restriction, you may do so at the time you complete your consent form or at any time after that time. If you request a restriction after that time, you should do so in writing to one of the persons listed on Exhibit 1A and tell us: (a) what information you want to limit; (b) whether you want to limit use or disclosure or both; and, (c) to whom

you want the limits to apply (for example, disclosures to your spouse).

*We are not required to agree to any requested restriction.* However, if we do agree, we will follow that restriction unless the information is needed to provide emergency treatment. Even if we agree to a restriction, either you or we can later terminate the restriction.

#### **§ Right to Receive Confidential Communications.**

You have the right to request that we communicate medical information about you to you in a certain way or at a certain location. For example, you can ask that we only contact you by mail or at work. We will not require you to tell us why you are asking for the confidential communication.

You may ask us to contact you by email, using an email address supplied by you. If you want to request confidential communication, you must do so in writing to one of the persons listed on Exhibit 1A. Your request must state how or where you can be contacted.

We will accommodate your request. However, we may, when appropriate, require information from you concerning how payment will be handled.

#### **§ Right to Inspect and Copy.**

With a few very limited exceptions, such as psychotherapy notes, you have the right to inspect and obtain a copy of medical information about you.

To inspect or copy medical information about you, you must submit your request in writing to one of the persons listed on Exhibit 1A. Your request should state specifically what medical information or mental health information you want to inspect or copy. If you request a copy of the information, we will charge a fee for the costs of copying and, if you ask that it be mailed to you, the cost of mailing. All charges will be made pursuant to the “Freedom of Information Act” Policy of Ottawa County.

We will act on your request within thirty (30) calendar days after we receive your request. If we grant your request, in whole or in part, we will inform you of our acceptance of your request and provide access and copying.

We may deny your request to inspect and copy medical information if the medical information or mental health information involved is:

- a. Psychotherapy notes;

- b. Information compiled in anticipation of, or use in, a civil, criminal or administrative action or proceeding;

If we deny your request, we will inform you of the basis for the denial, how you may have our denial reviewed, and how you may complain. If you request a review of our denial, it will be conducted by a licensed health care professional designated by us who was not directly involved in the denial. We will comply with the outcome of that review.

## § **Right to Amend.**

You have the right to ask us to amend medical information about you. You have this right for so long as the medical information or mental health information is maintained by us.

To request an amendment, you must submit your request in writing to one of the persons listed on Exhibit [1A](#). Your request must state the amendment desired and provide a reason in support of that amendment.

We will act on your request within sixty (60) calendar days after we receive your request. If we grant your request, in whole or in part, we will inform you of our acceptance of your request and provide access and copying.

If we grant the request, in whole or in part, we will seek your identification of and agreement to share the amendment with relevant other persons. We also will make the appropriate amendment to the medical information or mental health information by appending or otherwise providing a link to the amendment.

We may deny your request to amend medical information or mental health information about you. We may deny your request if it is not in writing and does not provide a reason in support of the amendment. In addition, we may deny your request to amend medical information if we determine that the information:

- a. Was not created by us, unless the person or entity that created the information is no longer available to act on the requested amendment;
- b. Is not part of the medical information maintained by us;
- c. Would not be available for you to inspect or copy; or,
- d. Is accurate and complete.

If we deny your request, we will inform you of the basis for the denial. You will have the right to submit a statement of disagreeing with our denial. Your statement may not exceed 5 pages. We may prepare a rebuttal to that statement. Your request for amendment, our denial of the request, your statement of disagreement, if any, and our rebuttal, if any, will then be appended to the medical information or mental health information involved or otherwise linked to it. All of that will then be included with any subsequent disclosure of the information, or, at our election, we may include a summary of any of that information.

If you do not submit a statement of disagreement, you may ask that we include your request for amendment and our denial with any future disclosures of the information. We will include your request for amendment and our denial (or a summary of that information) with any subsequent disclosure of the medical information or mental health information involved.

You also will have the right to complain about our denial of your request.

#### **§ Right to an Accounting of Disclosures.**

You have the right to receive an accounting of disclosures of medical information or mental health information about you. The accounting may be for up to six (6) years prior to the date on which you request the accounting but not before April 14, 2003.

Certain types of disclosures are not included in such an accounting:

- a. Disclosures to carry out treatment, payment and health care operations;
- b. Disclosures of your medical information made to you;
- c. Disclosures for our facility directory;
- d. Disclosures for national security or intelligence purposes;
- e. Disclosures to correctional institutions or law enforcement officials;
- f. Disclosures made prior to April 14, 2003.

Under certain circumstances your right to an accounting of disclosures may be suspended for disclosures to a health oversight agency or law enforcement official.

To request an accounting of disclosures, you must submit your request in writing to one of the persons listed on Exhibit A. Your request must state a time period for the disclosures. It may not be longer than six (6) years from the date we receive your request



and may not include dates before April 14, 2003.

Usually, we will act on your request within sixty (60) calendar days after we receive your request. Within that time, we will either provide the accounting of disclosures to you or give you a written statement of when we will provide the accounting and why the delay is necessary.

There is no charge for the first accounting we provide to you in any twelve (12) month period. For additional accountings, we may charge you for the cost of providing the list. If there will be a charge, we will notify you of the cost involved and give you an opportunity to withdraw or modify your request to avoid or reduce the fee. All charges will be made pursuant to the Freedom of Information Act' Policy of Ottawa County.

#### **§ Right to Copy of this Notice.**

You have the right to obtain a paper copy of our Notice of Privacy Practices. You may obtain a paper copy even though you agreed to receive the notice electronically. You may request a copy of our Notice of Privacy Practices at any time.

You may obtain a copy of our Notice of Privacy Practices over the Internet at our web site, <http://www.mieo-ottawa.orgmi.us/> To obtain a paper copy of this notice, contact Gregory R. Rappleye, Corporation Counsel, 12220 Fillmore Suite 331, West Olive, MI 49460 (616) 738-4865. You may also contact any of the persons who are listed on Exhibit 1A to receive a paper copy of this Notice.

### **Our Duties**

#### **§ Generally.**

We are required by law to maintain the privacy of medical information about you and to provide individuals with notice of our legal duties and privacy practices with respect to medical information or mental health information.

We are required to abide by the terms of our Notice of Privacy Practices in effect at the time.

#### **§ Our Right to Change Notice of Privacy Practices.**

We reserve the right to change this Notice of Privacy Practices. We reserve the right to make the new notice's provisions effective for all medical information or mental health information that we maintain, including that created or received by us prior to the effective date of the new notice.

**§ Availability of Notice of Privacy Practices.**

A copy of our current Notice of Privacy Practices will be posted in all Ottawa County facilities where services are provided. A copy of the current notice also will be posted on our web site, <http://www.mi-ee-ottawa.orgmi-us/>. In addition, each time you receive services at Ottawa County, a copy of the current notice will be available for your inspection and review.

At any time, you may obtain a copy of the current Notice of Privacy Practices by contacting any of the persons listed in Exhibit 1A.

**§ Effective Date of Notice.**

The effective date of the notice will be stated on the first page of the notice.

**§ Complaints.**

You may complain to us and to the United States Secretary of Health and Human Services if you believe your privacy rights have been violated by us.

To file a complaint with us, contact Gregory R. Rappleye, Corporation Counsel, 12220 Fillmore Suite 331, West Olive, MI 49460 (616) 738-4865. You may also contact any of the persons who are also listed in Exhibit 1A to file a complaint.

All complaints should be submitted in writing.

To file a complaint with the United States Secretary of Health and Human Services, send your complaint to him or her in care of: Office for Civil Rights, U.S. Department of Health and Human Services, 200 Independence Avenue SW, Washington, D.C. 20201.

You will not be retaliated against for filing a complaint.

**§ Questions and Information.**

If you have any questions or want more information concerning this Notice of Privacy Practices, please contact Gregory R. Rappleye, Corporation Counsel, 12220 Fillmore Room 331, West Olive, MI 49417, 616-738-4865, or one of the persons listed in Exhibit "1A".

**EXHIBIT "1A"**

**HIPAA PRIVACY OFFICERS**

<i><u>Department</u></i>	<i><u>Officer</u></i>	<i><u>Address &amp; Phone No.</u></i>
Chief Privacy Officer	Gregory Rappleye Corporation Counsel	12220 Fillmore West Olive, MI 49460 (616) 738-4861
For: Human Resources	Marie Waalkes	12220 Fillmore West Olive, MI 49460 (616) 738-4800
For: Community Mental James Street Health	<del>Breana</del> <del>Briana</del> Fowler <del>Lorrie</del> Hackney	12265 Holland, MI 49424 (616) 494-5410
For: Health Department	Lois Havermans	12251 James Street Holland, MI 49424 (616) 393-5771
For: Fiscal Services Fillmore Department	<del>Robert</del> Spaman <del>June</del> Hagan	12220 West Olive, MI 49460 (616) 738-4849
For: IT Fillmore	<del>Mark</del> Krouse <del>David</del> Hulst	12220 West Olive, MI 49460 (616) 738-48319

For: CAA  
~~Fillmore~~12251 James Street

~~Mark Krouse~~Bill Raymond—

~~12220~~

Holland, MI 49424  
(616) ~~738-4839~~393-5601

EXHIBIT "B"

COUNTY OF OTTAWA

POLICIES FOR PROTECTION OF THE PRIVACY  
OF  
PROTECTED HEALTH INFORMATION

I. INTRODUCTION

A. Purpose of These Privacy Policies.

These privacy policies for the protection of the privacy of protected health information are intended to comply with the requirements of the federal Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), regulations under HIPAA, and any applicable Michigan law that is more stringent than the HIPAA requirements. They are designed to comply with the standards, implementation specifications, and other requirements of the HIPAA security and privacy regulations at 45 CFR Part 160 and Part 164.

In all instances, these privacy policies shall be interpreted and construed so as to be consistent with the requirements of HIPAA, its regulations, and any more stringent laws of the State of Michigan.

In the event of any conflict between a provision of these privacy policies and a requirement of HIPAA, a regulation under HIPAA, or a more stringent state law, that HIPAA, HIPAA regulation, or more stringent state law requirement shall control.

B. Disclaimer.

All of the policies contained or referred to in these privacy policies, or that may be added or otherwise established by the County of Ottawa ("Ottawa County") in the future, represent the policies established by Ottawa County for the members of its workforce in relation to the particular subject addressed by the policy. It is the intention of Ottawa County that these privacy policies be used by its affected work force employees, and other members of its workforce, in meeting their responsibilities to Ottawa County and the general public. Violation of a policy can be the basis for discipline or termination of employment; however, because these privacy policies relate to the establishment and maintenance of high standards of performance, under no circumstances shall any policy be interpreted or construed as establishing a minimum standard, or any evidence of a minimum standard, of the safety, due care, or any other obligation which may be owed by

Ottawa County, its departments, agencies, officers, employees, or its agents to another person.

## **II. PROTECTED HEALTH INFORMATION.**

### **A. What is “Protected Health Information”?**

“Protected health information” is any health information or mental health information maintained by Ottawa County that is individually identifiable.

“Individually identifiable health information” means any information, whether oral or recorded in any form or medium, including demographic information collected from an individual, that:

1. Is created or received by a health care provider, mental health care provider, a health plan, or health care clearinghouse; and,
2. Relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual.

All health information maintained by Ottawa County is individually identifiable unless and until it is de-identified as stated in Section II.B, below.

### **B. De-Identification of Health Information.**

1. De-Identification.

Health information or mental health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual is not individually identifiable health information.

2. Requirements for De-Identification.

Before any member of Ottawa County’s workforce treats any information as being de-identified, it must be designated as de-identified by the Ottawa County Chief Privacy Officer or the person designated to make such a determination within the relevant department or agency of Ottawa County.

The Chief Privacy Officer or the designated person may find that health

information has been de-identified only if one of the following two conditions are met:

a. **Condition 1: Statistical and Scientific Principles.** A person with appropriate knowledge and experience with generally accepted statistical and scientific principles and methods for rendering information not individually identifiable:

- (1) Applying such principles and methods, determines that the risk is very small that the information could be used, alone or in combination with other reasonably available information, by an anticipated recipient to identify an individual who is subject to the information; and,
- (2) Documents the methods and results of the analysis that justify such determination. Such documentation shall be in accordance with the requirements stated in Section III.N and Section III.O of these privacy policies.

b. **Condition 2: Removal of Identifiers.** The following identifiers of the individual or of relatives, employers, or household members of the individual are removed and Ottawa County does not have actual knowledge that the information could be used alone or in combination with other information to identify an individual who is a subject of the information:

- (1) Names;
- (2) All geographic subdivisions smaller than a State, including street addresses, city, county, precinct, zip code, and their equivalent geocodes, except for the initial three digits of a zip code if, according to the current publicity available data from the Bureau of the Census:
  - (a) The geographic unit formed by combining all zip codes with the same three initial digits contains more than 20,000 people; and
  - (b) The initial three digits of a zip code for all such geographic units containing 20,000 or fewer people is changed to 000.
- (3) All elements of dates (except year) for dates directly related to an individual, including birth date, admission

date, discharge date, date of death; and all ages over 89 and all elements of dates (including year) indicative of such age, except that such ages and elements may be aggregated into a single category of age 90 or older;

- (4) Telephone numbers;
- (5) Fax numbers;
- (6) Electronic mail ([email](#)) addresses;
- (7) Social Security numbers;
- (8) Medical record numbers;
- (9) Health plan beneficiary numbers;
- (10) Account numbers;
- (11) Certificate/license numbers;
- (12) Vehicle identifiers and serial numbers, including license plate numbers;
- (13) Device identifiers and serial numbers;
- (14) Web Universal Resource Locators (URLs);
- (15) Internet Protocol (IP) address numbers;
- (16) Biometric identifiers, including finger and voice prints;
- (17) Full face photographic images and any comparable images; and,
- (18) Any other unique identifying number, characteristic, or code.

### **3. Requirements for Re-Identification.**

A code or other means of record identification may be assigned to allow



information de-identified to be re-identified by Ottawa County provided:

- a. The code or other means of record identification shall not be derived from or related to information about the individual and shall not otherwise be capable of being translated so as to identify the individual; and,
- b. The code or other means of record identification shall not be used or disclosed for any other purpose and the mechanism for re-identification shall not be disclosed.

Whether or not information shall be coded for re-identification and be re-identified shall be determined by the Chief Privacy Officer or by the person so designated within each department or agency. If information is re-identified, the Chief Privacy Officer or the designated person shall oversee the process of doing so.

### **III. ADMINISTRATIVE POLICIES**

#### **A. Organizational Policies.**

##### **1. Hybrid Entity.**

The County of Ottawa is a “Hybrid Entity” under which some departments of the entity are engaged in health care operations and some are not. The Ottawa County Community Mental Health Agency and the Ottawa County Health Department are the health care components of the County of Ottawa but they are not designated health care components under 45 CFR S164.503 (j) (2)

#### **B. Designation of Privacy Official.**

##### **1. Designation.**

Ottawa County’s Administrator shall designate a chief privacy official who shall be responsible for the development, updating and implementation of Ottawa County’s privacy policies. That privacy official shall be called the “Chief Privacy Officer” of Ottawa County. The Chief Privacy Officer may designate a person within each department of Ottawa County having access to materials covered by these privacy policies as that department or agency’s privacy officer.

##### **2. Documentation.**

The Ottawa County Administrator shall maintain, or cause to be maintained, a written or electronic record of the designation of the Chief Privacy Officer and of any department or agency privacy officer. Such records shall be maintained for six (6) years from the date of its creation or the date it is last in effect, whichever is later.

**C. Designation of Other Persons.**

**1. Person/Office to Receive Complaints.**

The Ottawa County Administrator shall designate a contact person or office who shall:

- a. Be responsible for receiving complaints concerning Ottawa County's privacy policies and procedures, Ottawa County's compliance with those policies and procedures, or Ottawa County's compliance with the HIPAA privacy rule pursuant to Section III.H of these privacy policies; and,
- b. Provide further information about matters covered by Ottawa County's Notice of Privacy Practices.

**2. Person/Office to Receive and Process Requests for Access.**

The Ottawa County Administrator shall designate a contact person or office who shall be responsible for receiving and processing individuals' requests for access to protected health information pursuant to Section VII.B of these privacy policies.

**3. Person/Office to Receive and Process Requests for Amendment.**

The Ottawa County Administrator shall designate a contact person or office who shall be responsible for receiving and processing individuals' requests for amendment of protected health information pursuant to Section VII.C of these privacy policies.

**4. Documentation.**

The Ottawa County Administrator shall maintain, or cause to be main-

tained, a written or electronic record of the title of the person or office for each person or office designed under this Section III.C. Such record shall be maintained for six (6) years from the date of its creation or the date it was last in effect, whichever is later.

**D. Identification of Workforce Members' Access To Protected Health Information.**

Attached to these privacy policies as Appendix 1A is an identification of those classes of Ottawa County's workforce who need access to protected health information to carry out their duties and, for each of those classes, the category or categories of protected health information to which access is needed and any conditions appropriate to that access. Failure of a member of the workforce to comply with that access or those conditions will result in disciplinary action up to and including termination of employment.

At least annually, the Privacy Officer shall cause a review of the identification and categories stated in Appendix 1A and make such changes to Appendix 1A as the Privacy Officer determines is necessary or desirable to keep Appendix 1A current.

**E. Training of Workforce.**

All members of Ottawa County's workforce having access to protected health information in the course and scope of their duties ("the affected workforce") shall be trained on Ottawa County's policies and procedures with respect to protected health information as necessary and appropriate for the members of the workforce to carry out their functions within Ottawa County.

Each member of Ottawa County's workforce having access to protected health information in the course and scope of their duties on April 14, 2003, shall be trained by no later than April 14, 2003. Thereafter, each new member of the workforce shall be trained within ten (10) calendar days after the person joins the workforce. Each member of the workforce whose functions are affected by a material change in these privacy policies or procedures shall be trained within ten (10) calendar days after the material change becomes effective.

Documentation of the training for each member of the workforce shall be kept in written or electronic form for six (6) years after the date of its creation or the date that person ceases to be a member of Ottawa County's workforce, whichever is later.

**F. Safeguards to Protect the Privacy of Protected Health Information.**

**Option 1:** The administrative, technical and physical safeguards that Ottawa County has in place to safeguard the privacy of protected health information are stated in Appendix 2B to these privacy policies.

At least annually, the Ottawa County Administrator shall cause a review of the safeguards stated in Appendix 2B and assure such changes to Appendix 2B as the Ottawa County Administrator determines is necessary or desirable to keep Appendix 2B current.

**G. Receipt of Notice of Amended Protected Health Information.**

Any member of Ottawa County's affected workforce who is informed by another health care provider, health plan or a healthcare clearinghouse of an amendment to an individual's protected health information shall promptly inform the Privacy Officer or his/her designee of the amendment. The Privacy Officer shall cause the protected health information concerning that individual that is maintained by Ottawa County to be amended as stated in Section VII.C.4.a of these privacy policies.

**H. Process for Individuals to Make Complaints.**

Individuals who desire to make a complaint against Ottawa County concerning Ottawa County's privacy policies and procedures, its compliance with those policies and procedures, or the requirements of the HIPAA privacy rule shall submit the complaint to the Chief Privacy Officer or his/her designee, in writing.

The Chief Privacy Officer shall investigate the complaint and respond to the individual in writing concerning his or her findings and what action, if any, Ottawa County will take ins response to the complaint.

The Chief Privacy Officer shall cause written documentation of each complaint and its disposition to be kept in written or electronic form for six (6) years after the date of its creation or the date when it was last in effect, whichever is later.

**I. Sanctions.**

Except for actions that are covered by and meet the conditions of Section VI.F.15, Section VI.F.16, or Section III.K of these privacy policies, any member of Ottawa

County's affected workforce who fails to comply with Ottawa County's privacy policies and procedures or the requirements of the HIPAA privacy rule shall be subject to sanctions imposed through Ottawa County's discipline and discharge policies.

Examples of the Sanctions that may be applied for certain actions are:

1. Failure to promptly report any violation of any Ottawa County privacy policy or procedure or requirement of the HIPAA privacy rule to the Privacy Officer or his/her designee – sanctions pursuant to the employment policies of Ottawa County up to and including termination.
2. Inadvertent violation of any Ottawa County privacy policy or requirement of the HIPAA privacy rule - sanctions pursuant to the employment policies of Ottawa County up to and including termination.
3. Knowing violation of any Ottawa County privacy policy or requirement of the HIPAA privacy rule - sanctions pursuant to the employment policies of Ottawa County up to and including termination.
4. Knowingly and improperly obtaining or disclosing protected health information - sanctions pursuant to the employment policies of Ottawa County up to and including termination.
5. Obtaining protected health information under false pretenses - sanctions pursuant to the employment policies of Ottawa County up to and including termination.
6. Obtaining or disclosing protected health information with an intent to sell, transfer or use it for commercial advantage, personal gain or malicious harm - sanctions pursuant to the employment policies of Ottawa County up to and including termination.

The Ottawa County Human Resources Director shall cause written documentation of the sanctions that are applied, if any, to be kept in written or electronic form for six (6) years after the date of its creation or the date when it is last in effect, whichever is later.

#### **J. Mitigation of Harmful Effect.**

If there is a use or disclosure of protected health information by a member of Ottawa County's affected workforce or an Ottawa County business associate in violation of Ottawa County's privacy policies or the requirements of the HIPAA pri-

vacy rule, the Chief Privacy Officer or his/her designee shall mitigate, or cause to be mitigated, to the extent practicable, any harmful effect that is known to Ottawa County.

**K. Prohibition on Intimidating or Retaliatory Acts.**

Neither Ottawa County nor any member of Ottawa County's workforce may intimidate, threaten, coerce, discriminate against, or take other retaliatory action against:

1. **Individuals.** Any individual for the exercise by the individual of any right under, or for participation by the individual in any process established by, these privacy policies or the HIPAA privacy rule, including filing a complaint under the HIPAA privacy rule or under these privacy policies.
  
2. **Individuals and Others.** Any individual or other person for:
  - a. Filing of a complaint with the Secretary of Health and Human Services under the HIPAA privacy rule;
  
  - b. Testifying, assisting, or participating in an investigation, compliance review, proceeding, or hearing under the Administrative Simplification provisions of HIPAA; or
  
  - c. Opposing any act or practice made unlawful by the HIPAA privacy rule, provided the individual or person has a good faith belief that the practice opposed is unlawful, and the manner of the opposition is reasonable and does not involve a disclosure of protected health information in violation of the HIPAA privacy rule.

**L. Prohibition on Waiver of Rights.**

No member of Ottawa County's affected workforce may require an individual to waive the individual's rights under these privacy policies or the HIPAA privacy rule as a condition for the provision of treatment, payment, and enrollment in a health plan, or eligibility for benefits.

**M. Changes to Policies and Procedures.**

**1. Changes in Law.**

The Chief Privacy Officer with the consent of the Ottawa County Administrator shall promptly change these privacy policies as necessary and appropriate to comply with changes in the law, including changes in the HIPAA privacy rule. The changed policy or procedure shall be promptly documented and implemented. If the change materially affects the content of Ottawa County's Notice of Privacy Practices, the Privacy Officer shall promptly make the appropriate revisions to the notice in accordance with Section V.C of these privacy policies.

**2. Changes to Privacy Practices Stated In Notice of Privacy Practices.**

**Option 1:** When Ottawa County changes a privacy practice that is stated in its Notice of Privacy Practices and makes corresponding changes to Ottawa County's policies, the change shall be effective for protected health information Ottawa County created or received prior to the effective date of the notice revision provided:

- a. The Chief Privacy Officer ensures that the policy or procedure, as revised to reflect the change, complies with the HIPAA privacy rule;
- b. The Chief Privacy Officer documents the policy or procedure, as revised, as stated in Section III.N and Section III.O of these privacy policies; and,
- c. The Chief Privacy Officer revises the Notice of Privacy Practices to state the changed practice and makes the revised notice available as stated in Section V.B of these privacy policies. The changed practice may not be implemented prior to the effective date of the revised Notice of Privacy Practices.

If these conditions are not met, then the change is effective only with respect to protected health information created or received after the effective date of the revised Notice of Privacy Practices.

**Option 2:** When Ottawa County changes a privacy practice that is stated in its Notice of Privacy Practices and makes corresponding changes to its policies, the following actions shall be taken:

- (a) The Chief Privacy Officer shall ensure that the policy or procedure, as revised to reflect the change, complies with the HIPAA

privacy rule;

- (b) The Chief Privacy Officer shall document the policy or procedure, as revised, is documented as stated in Section III.N and Section III.O of these privacy policies; and,
- (c) The Chief Privacy Officer shall revise The Notice of Privacy Practices to state the changed practice and make the revised notice available as stated in Section V.B of these policies. The changed practice may not be implemented prior to the effective date of the revised Notice of Privacy Practices.

The change shall be effective only with respect to protected health information created or received after the effective date of the revised Notice of Privacy practices.

**3. Changes to Privacy Practices Not Stated In Notice of Privacy Practices.**

Ottawa County may change, at any time, a privacy practice that does not materially affect the content of the Notice of Privacy Practices, provided:

- a. The policy or procedure involved, as revised, complies with the HIPAA privacy rule; and,
- b. Prior to the effective date of the change, the policy or practice, as revised, is documented by the Ottawa County Administrator by causing it to be kept in written or electronic form.

**N. Documentation.**

The Chief Privacy Officer shall take, or cause to be taken, each of the following actions:

- a. Maintain these privacy policies and procedures in written or electronic form;
- b. If a communication is required by these privacy policies and procedures, or by the privacy rule, to be in writing, maintain that writing, or an electronic copy, as documentation;
- c. If an action, activity, or designation is required by these privacy



policies and procedures, or by the privacy rule, to be documented, maintain a written or electronic record of that action, activity or designation.

**O. Period of Retention.**

Documentation required by Section III.N, above, shall be retained for six (6) years from the date of its creation or the date when it last was in effect, whichever is later.

**P. Maintenance of Psychotherapy Notes.**

Psychotherapy notes, if any, shall be maintained by the mental health professional who prepared the notes in a locked file in his/her office. A duplicate of the key to the locked file shall be retained by the Director of the Ottawa County Community Mental Health Agency.

Upon termination of the mental health professional's employment, or contract of service, any psychotherapy notes maintained by him/her shall be destroyed.

**Q. Business Associates.**

Prior to Ottawa County disclosing any protected health information to a business associate or allowing a business associate to create or receive protected health information on its behalf, the Chief Privacy Officer or his/her designee shall obtain satisfactory assurance from the business associate that the business associate will appropriately safeguard the protected health information disclosed to it or that it creates or receives on Ottawa County's behalf. The satisfactory assurance shall be through a written contract with the business associate that contains at least all the provisions required by the privacy rule.

However, if the business associate is required by law to perform a function or activity on behalf of Ottawa County or to provide a service described in the HIPAA privacy rule's definition of a business associate (see, Section IX.B, "Business Associate" of these privacy policies) to Ottawa County, Ottawa County may disclose protected health information to the business associate to the extent necessary to comply with the legal mandate without meeting the requirements for business associates, provided:

1. Ottawa County attempts in good faith to obtain satisfactory assurances, as stated above; and,

2. If that attempt fails, the Chief Privacy Officer or his/her designee documents the attempt and the reasons that the assurances cannot be obtained.

Any contract of Ottawa County where the other party, or one of the other parties, may be a business associate shall be submitted to the Chief Privacy Officer for review for compliance with these privacy policies and the HIPAA privacy rule prior to being signed on behalf of Ottawa County.

**R. Reporting Violations.**

Each member of Ottawa County's affected workforce must report any actual or possible violation of Ottawa County's privacy policies or the HIPAA privacy rule to the Chief Privacy Officer as soon as he or she becomes aware of the actual or possible violation.

**S. Questions Concerning HIPAA Compliance.**

If any member of Ottawa County's affected workforce has a question concerning Ottawa County's privacy policies, the HIPAA privacy rule, or their application to any situation, he or she should contact the Chief Privacy Officer for guidance. The Chief Privacy Officer may contact legal counsel for legal advice as he or she believes is necessary or desirable.

**T. Action by Designee.**

Whenever an action may be or is required to be taken under these privacy policies by the Chief Privacy Officer, the Ottawa County Administrator, or any other member of Ottawa County's workforce, the action may be taken by that person's designee.

**IV. OTTAWA COUNTY REQUESTS FOR PROTECTED HEALTH INFORMATION.**

**A. Generally.**

When requesting protected health information from another health care provider, a health plan or a health care clearinghouse, a member of Ottawa County's affected workforce must limit the request to that which is reasonably necessary to accomplish the purpose for which the request is made.

Except when the entire medical record or mental health ~~record is~~record is specifically justified as the amount that is reasonably necessary to accomplish the purpose of the request, members of Ottawa County's affected workforce may not request an entire medical record or mental health record.

**B. Routine and Recurring Requests.**

For a request that is made on a routine and recurring basis, Ottawa County shall from time to time develop and implement standard protocols that limit the protected health information requested to the amount that is reasonably necessary to accomplish the purpose for which the request is made. The protocols established by Ottawa County, if any, are set forth in Appendix ~~3~~3E to these privacy policies.

**C. Other Requests.**

Whenever any member of Ottawa County's affected workforce desires to request protected health information from another provider, a health plan or a health care clearinghouse and the request is not one made pursuant to a protocol for routine and recurring requests, he or she shall first submit the request to the Chief Privacy Officer or his/her designee for review and approval prior to the request being made. The Chief Privacy Officer or his/her designee shall review the request on an individual basis to determine that the protected health information sought is limited to the information reasonably necessary to accomplish the purpose for which the request is made.

**V. NOTICE OF PRIVACY PRACTICES.**

**A. Form of Notice of Privacy Practices.**

The Notice of Privacy Practices used by Ottawa County shall be established from time to time by the Chief Privacy Officer and shall meet the requirements of the HIPAA privacy regulations.

**B. Provision of Notice of Privacy Practices.**

**1. To Each Patient, etc.**

**a. Generally.**

Ottawa County's Notice of Privacy Practices shall be made available to any individual patient or client of Ottawa County (except to an inmate of a correctional institution) and to Ottawa County employees, no later than the date of the first service delivery by Ottawa County and to other persons upon request. The Notice of Privacy Practices also shall be made available at Ottawa County's offices whose Health Services and/or Mental Health Services are provided for individuals to request to take with them.

**b. Via Em-Mail.**

If the individual agrees and that agreement has not been withdrawn, the Notice of Privacy Practices will be provided to that individual by e-mail in lieu of physical delivery. The transmission of the Notice of Privacy Practices by e-mail will be accomplished by the director of the affected department or agency, or his/her designee. If the e-mail transmission fails, a paper copy of the Notice of Privacy Practices will be provided to the individual. An individual who receives electronic notice may still obtain a paper copy of the notice upon request; his or her request should be submitted to the director of the affected department or agency, or his/her designee.

**2. Posting.**

Ottawa County's Notice of Privacy Practices shall be prominently posted on posters at the locations specified in Exhibit "4D" hereto.

**3. Web Site.**

Ottawa County's Notice of Privacy Practices shall be prominently posted on Ottawa County's web site and made available electronically through the web site.

**C. Revision of Notice of Privacy Practices.**

Whenever there is a material change to the uses or disclosures, the individual's rights, Ottawa County's legal duties, or other privacy practices stated in the notice, the Chief Privacy Officer shall cause the Notice of Privacy Practices to be

promptly revised, made available on request and distributed.

Except when the material change is required by law, a material change to any term of the Notice of Privacy Practices shall not be implemented prior to the effective date of the Notice of Privacy Practices in which the material change is reflected.

**D. Documentation.**

A copy of each Notice of Privacy Practices used by Ottawa County shall be maintained by Ottawa County in written or electronic form for six (6) years after the date the notice was last in effect.

**VI. USES AND DISCLOSURE OF PROTECTED HEALTH INFORMATION.**

**A. General Rule.**

Except as otherwise stated in this Section VI, Ottawa County shall obtain the individual's consent or authorization, whichever is applicable and in accordance with these privacy policies, prior to using or disclosing protected health information concerning the individual.

**B. Use and Disclosure of Only the Minimum Necessary Information.**

**1. General Rule.**

Except as stated in Section VI.B.2, below, when using or disclosing protected health information, members of Ottawa County's affected workforce shall make reasonable efforts to limit protected health information to the minimum necessary to accomplish the intended purpose of the use or disclosure.

**2. Exceptions to Minimum Necessary Requirement.**

The preceding general rule concerning limiting use and disclosure of protected health information to the minimum necessary does not apply to:

- a. Disclosures to a health care provider for treatment.
- b. Uses or disclosures made to the individual except for

authorizations requested by Ottawa County.

- (1) For Ottawa County's own uses and disclosures (see, Section VI.D.6, "Authorizations Requested by Ottawa County for its Own Uses and Disclosures" of these privacy policies);
  - (2) For disclosures to others (see, Section VI.D.7, "Authorizations Requested by Ottawa County for Disclosures by Others" of these privacy policies); or,
  - (3) For uses and disclosures of protected health information created for research that includes treatment of the individual (see, Section VI.D.8, "Authorizations for Uses and Disclosures of Protected Health Information Created for Research That Includes Treatment of the Individual" of these privacy policies).
- c. Disclosures made to the Secretary of Health and Human Services in accordance with the HIPAA privacy rule.
  - d. Uses or disclosures that are required by law.
  - e. Uses or disclosures that are required for Ottawa County's compliance with the HIPAA privacy rule.

### **3. Routine and Recurring Disclosures.**

For any type of disclosure that is made on a routine and recurring basis, the Ottawa County Administrator or his/her designee shall from time to time develop and implement standard protocols that limit the protected health information requested to the amount that is reasonably necessary to accomplish the purpose for which the disclosure is made. The protocols, if any, established are set forth in Appendix ~~5E~~ to these privacy policies.

### **4. Other Disclosures.**

Any disclosures that are not covered by an established protocol, shall be reviewed by the Chief Privacy Officer on an individual basis using the following criteria to limit the protected health information disclosed to the

information reasonably necessary to accomplish the purpose for which disclosure is sought.

The criteria to be applied are:

- a. Whether or not the information requested is reasonably related to the purpose of the request.
- b. Whether or not the information requested will assist in the accomplishment of the purpose of the request.
- c. Whether or not the purpose of the request can be accomplished without the information requested.
- d. Whether or not the purpose of the request can be met with information that is not protected health information.

## **5. Permitted Reliance.**

If the reliance is reasonable under the circumstances, members of Ottawa County's affected workforce may rely on a requested disclosure as the minimum necessary for the stated purpose when:

- a. Making disclosures to public officials that are permitted under Section VI.F of these privacy policies, if the public official represents that the information is the minimum necessary for the stated purpose(s);
- b. The information is requested by another covered entity;
- c. The information is requested by a professional who is a member of Ottawa County's affected workforce or a business associate of Ottawa County for the purpose of providing professional services to Ottawa County, if the professional represents that the information requested is the minimum necessary for the stated purpose(s); or,
- d. Documentation or representations that comply with the applicable requirements of Section VI.F.10 of these privacy policies have been provided by the person requesting the information for re-search purposes.

The basis for reliance under this Section VI.B.5 shall be documented by

the Privacy Officer. That documentation shall be maintained in the records of Ottawa County.

**C. Uses and Disclosures for Which an Authorization is Required.**

**1. General Rule.**

Except as otherwise permitted or required by these privacy policies, Ottawa County will not use or disclose protected health information without an authorization that is valid under this Section VI.C. When Ottawa County obtains or receives a valid authorization for its use or disclosure of protected health information, Ottawa County's use or disclosure must be consistent with that authorization.

**2.1. What is a Valid Authorization?**

An authorization is valid if it contains all the elements required by Section VI.D.5 of these privacy policies and it is not defective.

An authorization is defective if the document has any of the following defects:

a. The expiration date has passed or the expiration event is known by Ottawa County to have occurred.

~~b.a.~~ The authorization has not been filled out completely with respect to an element required to be included in the authorization;

~~c.a.~~ The authorization is known by Ottawa County to have been revoked;

~~d.a.~~ The authorization lacks a required element (see, Section VI.D.5, "Form of Authorization" of these privacy policies);

~~e.a.~~ The authorization violates the requirements concerning compound authorizations (see, Section VI.C.9, "Compound Authorizations" of these privacy policies); or,

~~f.a.~~ If any material information in the authorization is known by Ottawa County to be false.

If any member of Ottawa County's affected workforce believes an au-



thorization is defective for any reason, he or she should promptly report that fact and the basis for his or her belief to the Privacy Officer.

**3.1. Maintaining an Authorization.**

All authorizations shall be delivered to a designated records custodian who will file there in accordance with established protocols.

**4.1. Conditioning of Authorizations.**

**a. General Rule.**

Except as stated in Section VI.C.4.b, below, Ottawa County will not condition treatment or payment to an individual on the receipt of an authorization from that individual.

**b.a. Exceptions.**

Ottawa County will condition treatment or payment to an individual on the receipt of an authorization from that individual in the following situations:

(1) Research. Ottawa County will condition the provision of research-related treatment on provision of an authorization under Section VI.C.8 of these privacy policies.

~~(2)~~(1) Disclosure Is Sole Purpose. Ottawa County will condition the provision of health care that is solely for the purpose of creating protected health information for disclosure to a third party on provision of an authorization for the disclosure of the protected health information to that third party.

**5.1. Form of Authorization.**

a. **Core Elements.** An authorization must contain at least the following elements:

(1) A description of the information to be used or disclosed that identifies the information in a specific and meaningful

fashion;

~~(2)~~(1) The name or other specific identification of the person(s), or class of persons, authorized to make the requested use or disclosure;

~~(3)~~(1) The name or other specific identification of the person (s), or class of persons, to whom Ottawa County may make the requested use or disclosure;

~~(4)~~(1) An expiration date or an expiration event that relates to the individual or the purpose of the use or disclosure;

~~(5)~~(1) A statement of the individual's right to revoke the authorization in writing and the exceptions to the right to revoke, together with a description of how the individual may revoke the authorization;

~~(6)~~(1) A statement that information used or disclosed pursuant to the authorization may be subject to redisclosure by the recipient and no longer be protected by this rule;

~~(7)~~(1) Signature of the individual and date; and,

~~(8)~~(1) If the authorization is signed by a personal representative of the individual, a description of that personal representative's authority to act for the individual.

~~b.a.~~ **Additional Elements.** An authorization may contain elements or information in addition to the elements stated in this Section VI.C concerning "Uses and Disclosures for Which an Authorization is Required," provided those additional elements or information are not inconsistent with the elements required by this Section VI.C.

~~e.a.~~ **Plain Language.**

An authorization must be written in plain language.

~~6.1.~~ **Authorizations Requested by Ottawa County for Its Own Uses and Disclosures.**

If an authorization is requested by Ottawa County for its own use or disclosure of protected health information that it maintains, Ottawa County will comply with the following requirements:

**a. Required Elements.**

In addition to meeting the requirements stated in Section VI.D.5 of these privacy policies, the authorization must contain the following elements:

(1) For any authorization to which the prohibition on conditioning in Section VI.C.4 applies, a statement that Ottawa County will not condition treatment or payment on the individual's providing authorization for the requested use or disclosure;

~~(2)~~(1) A description of each purpose of the requested use or disclosure;

~~(3)~~(1) A statement that the individual may:

(a) Inspect or copy the protected health information to be used or disclosed as provided in Section VII.B of these privacy policies; and,

(b) Refuse to sign the authorization; and,

~~(4)~~(2) If use or disclosure of the requested information will result in direct or indirect remuneration to Ottawa County from a third party, a statement that such remuneration will result.

**b. Copy to Individual.** Ottawa County will provide the individual with a copy of the signed authorization.

**7.2. Authorizations Requested by Ottawa County for Disclosures by Others.**

If an authorization is requested by Ottawa County for another health care provider, health plan or health care clearinghouse to disclose protected health information to Ottawa County to carry out treatment, payment, or health care operations, Ottawa County will comply with the following requirements:

- a. **Required Elements.** In addition to meeting the requirements stated in Section VI.C.5 of these privacy policies, the authorization will contain the following elements:
  - (1) A description of each purpose of the requested disclosure; and,
  - (2) A statement that the individual may refuse to sign the authorization.
  
- b. **Copy to Individual.** Ottawa County will provide the individual with a copy of the signed authorization.

**8.3. Authorizations For Uses and Disclosures of Protected Health Information Created for Research That Includes Treatment of the Individual.**

Except as otherwise permitted by Section VI.E.10 of these privacy policies concerning “Uses and Disclosures for Research Purposes,” if Ottawa County creates protected health information for the purpose, in whole or in part, of research that includes treatment of individuals, Ottawa County will obtain an authorization for the use or disclosure of such information.

That authorization will:

- a. For uses and disclosures not otherwise permitted or required under these privacy policies, meet the requirement of Section VI.D.5 and Section VI.C.6 of these privacy policies; and,
  
- b. Contain:
  - (1) A description of the extent to which such protected health information will be used or disclosed to carry out treatment, payment, or health care operations;
  
  - (2) A description of any protected health information that will not be used or disclosed for purposes permitted in accordance with Section VI.D and VI.E of these privacy policies, provided Ottawa County will not include a limitation affecting its rights to make a use or disclosure that is

required by law or permitted by Section VI.E.11.b.(1) of these privacy policies; and,

- (3) If Ottawa County has obtained or intends to obtain the individual's consent under Section VI.C of these privacy policies, or has provided or intends to provide the individual with a Notice of Privacy Practices, (see Section V, "Notice of Privacy Practices"), the authorization will refer to that notice and state that the statements made pursuant to this Section VI.D.8, "Authorizations for Uses and Disclosures of Protected Health Information Created for Research That Includes Treatment of the Individual," are binding.

An authorization under this Section VI.C.8 may be in the same document as: Ottawa County's Notice of Privacy Practices (see, Section V, "Notice of Privacy Practices").

#### **9.4. Compound Authorizations.**

**a)a. General Rule.** Except as stated in Section VI.C.9.b, below, an authorization for use or disclosure of protected health information may not be combined with any other document to create a compound authorization.

**b)b. Exceptions.** Notwithstanding Section VI.C.9.a, above, an authorization for use or disclosure of protected health information may be combined with any other document to create a compound authorization in the following situations:

- (1) An authorization for the use or disclosure of protected health information created for research that includes treatment of the individual may be combined as stated in Section VI.C.8 of these privacy policies;
- (2) An authorization for a use or disclosure of psychotherapy notes may only be combined with another authorization for a use or disclosure of psychotherapy notes;
- (3) An authorization, other than an authorization for a use or disclosure of psychotherapy notes may be combined with any other authorization, except when Ottawa County has conditioned the provision of treatment or payment under

Section VI.C.4.b of these privacy policies on the provision of one of the authorizations.

**10.5. Revocation of an Authorization.**

An individual has the right to revoke an authorization in writing, except to the extent Ottawa County has taken action in reliance thereon.

A written revocation should be submitted to the Chief Privacy Officer or his/her designee who will cause the revocation to be filed in accordance with a standard protocol.

**11.6. Documentation.**

The Chief Privacy Officer or his/her designee will document and retain any signed authorizations under this section in writing, or an electronic copy, for six (6) years from the date of its creation or the date when it was last in effect, whichever is later.

**D. Uses and Disclosures Requiring an Opportunity for the Individual to Agree or to Object.**

**1. General Rule.**

Members of Ottawa County's affected workforce may use or disclose protected health information without the individual's written consent or authorization for the purposes described in this Section VI.D provided:

- a. The individual is informed orally or in writing in advance of the use or disclosure; and,
- b. The individual has an opportunity to agree to or prohibit or restrict the disclosure in accordance with the requirements of this Section VI.D.

**2. Persons Involved in the Individual's Care; Notification**

**a.c. General Rules.**

- (1) **Those Involved in Care.** Members of Ottawa County's

affected workforce may, in accordance with Sections VI.D.3.b and VI.D.3.c, below, disclose to a family member, other relative, or a close personal friend of the individual, or to any other person identified by the individual, the protected health information directly relevant to that person's involvement with the individual's care or payment related to that individual's health care.

- (2) **Notification of Location, Condition, or Death.** If authorized by Michigan law, members of Ottawa County's affected workforce may use or disclose protected health information to notify, or assist in the notification of (including identifying or locating) a family member, a personal representative of the individual, or another person responsible for the care of the individual of the individual's location, general condition or death. Any such use or disclosure must be in accordance with Section VI.D.3.b, VI.D.3.c, or VI.D.4, below, and Michigan law.

**b.d. When the Individual is Present.**

If the individual is present for, or otherwise available prior to, a use or disclosure to a person(s) involved in the individual's care and the individual has the capacity to make health care decisions, a member of Ottawa County's affected workforce may use or disclose the protected health information if he or she:

- (1) Obtains the individual's agreement;
- (2) Provides the individual with the opportunity to object to the disclosure, and the individual does not express an objection; or,
- (3) Reasonably infers from the circumstances, based on the exercise of professional judgment, that the individual does not object to the disclosure.

The ~~Ottawa County~~ affected workforce member shall document in the patient or client record which of the preceding reasons were the basis for the use or disclosure.

**e.e. When the Individual Is Not Present.**

- (1) **Incapacity; Emergency Circumstances.** If the individual is not present for, or the opportunity to agree or object to the use or disclosure cannot practicably be provided because of the individual's incapacity or an emergency circumstance, a member of Ottawa County's affected workforce may, in the exercise of professional judgment, and if authorized by Michigan law, determine whether the disclosure is in the best interests of the individual and, if so, disclose only the protected health information that is directly relevant to the person's involvement with the individual's health care.

The Ottawa County affected workforce member shall document in the patient or client record the individuals' incapacity or the emergency and why he or she determined the disclosure was in the individuals' best interests.

- (2) **Other Actions.** When authorized by Michigan law, a member of ~~Ottawa County's~~ affected workforce may use professional judgment and experience with common practice to make reasonable inferences of the individual's best interest in allowing a person to act on behalf of the individual to pick up filled prescriptions, medical supplies, X-rays, or other similar forms of protected health information.

The Ottawa County's affected workforce member shall document in the patient or client record the individuals' incapacity or the emergency and why he or she determined the disclosure was in the individual's best interests.

### **5.3. Disaster Relief.**

A member of Ottawa County's affected workforce may use or disclose protected health information to a public or private entity authorized by law or by its charter to assist in disaster relief efforts, *e.g.*, the Red Cross, for the purpose of coordinating with such entities the uses and disclosures permitted by Section VI.D.3 concerning notification of location, condition or death. However, the requirements of Sections VI.D.3.b and VI.D.3.c of these privacy policies apply to those uses and disclosures to the extent that the Ottawa County affected workforce member, in the exercise of



professional judgment, determines that those requirements do not interfere with the ability to respond to the emergency circumstances.

**E. Uses and Disclosures for which Consent, an Authorization, or an Opportunity to Agree or Object is Not Required.**

**1. General Rules.**

To the extent permitted by this Section VI.E, an authorized member of Ottawa County's affected workforce may use or disclose protected health information without the written consent or authorization of the individual, or the opportunity of the individual to agree or object, in the situations described in this Section VI.E.

When Ottawa County is required by any of these situations to inform the individual of a use or disclosure permitted by this Section VI.E or when the individual may agree to a use or disclosure required by this Section VI.E, Ottawa County's information and the individual's agreement may be given orally. However, if given orally, the Ottawa County affected workforce member involved shall document the giving of the information or the agreement by notification in the patient or client's records.

**2. Uses and Disclosures Required by Law.**

**a.a) Informing the Chief Privacy Officer or his/her designee.**

Any member of Ottawa County's affected workforce who receives a request, or who proposes, to use or disclose protected health information for a use or disclosure required by law must promptly deliver or otherwise communicate the request or proposal to the Chief Privacy Officer or his/her designee prior to the use or disclosure being made. The Chief Privacy Officer or his/her designee will then oversee the use or disclosure for compliance with these privacy policies. The use or disclosure should not occur until it has been approved by the Chief Privacy Officer or his/her designee.

**b.b) Permitted Uses and Disclosures.**

Ottawa ~~County may~~ County may use or disclose protected health information to the extent that the use or disclosure is required by law and the use or disclosure complies with and is limited to the relevant requirements of the law.

Ottawa County will meet the requirements of the following sections of these privacy policies, as applicable, for uses and disclosures required by law:

- (1) Section VI.E.4 concerning, “Uses and Disclosures About Victims of Abuse, Neglect or Domestic Violence”;
- (2) Section VI.E.6 concerning, “Disclosures for Judicial and Administrative Proceedings”, and,
- (3) Section VI.E.7 concerning “Disclosures for Law Enforcement Purposes.

### 3. Uses and Disclosures for Public Health Activities.

a. **Informing the Chief Privacy Officer.** Any member of Ottawa County’s affected workforce who receives a request, or who proposes, to use or disclose protected health information for public health activities must promptly deliver or otherwise communicate the request or proposal to the Chief Privacy Officer or his/her designee prior to the use or disclosure being made. The Chief Privacy Officer or his /her designee will then oversee the use or disclosure for compliance with these privacy policies. The use or disclosure should not occur until it has been approved.

b.a. **Permitted Disclosures.** An authorized member of Ottawa County’s affected workforce may disclose protected health information for the public health activities and purposes described below:

- (1) A public health authority that is authorized by law to collect or receive such information for the purpose of preventing or controlling disease, injury, or disability, including but not limited to, the reporting of disease, injury and vital events such as birth or death, and the conduct of public health surveillance, public health investigations, and public health interventions; or, at the direction of the public health authority, to an official of a foreign government agency that is acting in collaboration with a public health authority;

(2) A public health authority or other appropriate government authority authorized by law to receive reports of child abuse or neglect;

(3) A person subject to the jurisdiction of the United States Food and Drug Administration:

(a) To report adverse events (or similar reports with respect to food or dietary supplements), product defects or problems (including problems with the use or labeling of a product), or biological product deviations if the disclosure is made to the person required or directed to report such information to the Food and Drug Administration;

~~(b)(a)~~ To track products if the disclosure is made to a person required or directed by the Food and Drug Administration to track the product;

~~(e)(a)~~ To enable product recalls, repairs, or replacements (including locating and notifying individuals who have received products or product recalls, withdrawals, or other problems); or,

~~(d)(a)~~ To conduct post marketing surveillance to comply with requirements or at the direction of the Food and Drug Administration;

~~(4)(1)~~ A person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading a disease or condition, if Ottawa County or another public health authority is authorized or required by law to notify such person as necessary in the conduct of a public health intervention or investigation; or

~~(5)(1)~~ An employer, about an individual who is a member of the workforce of the employer, if:

(a) Ottawa County provides health care to the individual at the request of the employer:

i) To conduct an evaluation relating to medical surveillance of the workplace; or,

~~ii~~i) To evaluate whether the individual has a work-related illness or injury; or,

~~b~~(a) The protected health information that is disclosed consists of findings concerning a work-related illness or injury or a work-related medical surveillance;

~~e~~(a) The employer needs such findings in order to comply with its obligations under 29 CFR Parts 1904 through 1928 (concerning occupational safety and health), 30 CFR parts 50 through 90 (concerning mine safety and health), or similar Michigan law, to record such illness or injury or to carry out responsibilities for workplace medical surveillance;

~~d~~(a) Ottawa County provides written notice to the individual that protected health information relating to the medical surveillance of the workplace and work-related illnesses and injuries is disclosed by the employer:

i) By giving a copy of the notice to the individual at the time the health care is provided; or

~~ii~~i) If the health care is provided on the work site of the employer, by posting the notice in a prominent place at the location where the health care is provided.

**7.4. Uses and Disclosures About Victims of Abuse, Neglect or Domestic Violence.**

- a. **Delivery to Chief Privacy Officer.** Any member of Ottawa County's affected workforce who receives a request, or who proposes, to use or disclose protected health information about a victim of abuse, neglect or domestic violence must promptly deliver or otherwise communicate the request or proposal to the Chief Privacy Officer or his/her designee prior to the use or disclosure being made. The Chief Privacy Officer or his/her designee will then oversee the use or disclosure for compliance

with these privacy policies and the requirements of Michigan law. The use or disclosure should not occur until it has been approved by the Chief Privacy Officer or his/her designee, unless otherwise required by Michigan law.

**b.a. General Rule.** Except for reports of child abuse or neglect that are permitted by Section VI.E.3.b.(2) of these privacy policies, an authorized member of Ottawa County's affected workforce may disclose protected health information about an individual that workforce member reasonably believes to be a victim of abuse, neglect, or domestic violence to a government authority, including a social service or protective services agency, authorized by Michigan law to receive reports of such abuse, neglect or domestic violence:

(1) To the extent the disclosure is required by Michigan law and the disclosure complies with and is limited to the relevant requirements of that law;

~~(2)~~(1) If the individual agrees to the disclosure; or,

~~(3)~~(1) To the extent the disclosure is expressly authorized by Michigan law or regulation and:

(a) The Ottawa County affected workforce member, in the exercise of professional judgment, believes the disclosure is necessary to prevent serious harm to the individual or other potential victim, or is required by Michigan law.

**c. Informing the Individual.**

If a member of Ottawa County's affected workforce makes a disclosure permitted by VI.E.4.b, above, Ottawa County shall comply with Michigan law with respect to notice of such disclosure to the patient or client.

**5. Uses and Disclosures for Health Oversight Activities.**

a. **Delivery to Chief Privacy Officer.** Any- member of Ottawa

County's affected workforce who receives a request, or who proposes, to use or disclose protected health information for purposes of a health oversight activity must promptly deliver or otherwise communicate the request or proposal to the Chief Privacy Officer or her/her designee prior to the use or disclosure being made. The Chief Privacy Officer or his/her designee will then oversee the use or disclosure for compliance with these privacy policies and Michigan and/or other applicable Federal law. The use or disclosure should not occur until it has been approved by the Chief Privacy Officer or his/her designee.

b. **General Rule.** An authorized member of Ottawa County's affected workforce may disclose protected health information to a health oversight agency, *e.g.*, state department of health, ~~CMS,~~ for oversight activities authorized by law, including: audits; civil, administrative, or criminal investigations; inspections; licensure or disciplinary actions; civil, administrative, or criminal proceedings or other actions; or, other activities necessary for appropriate oversight of:

- (1) The health care system;
- (2) Government benefit programs for which health information is relevant to beneficiary eligibility;
- (3) Entities subject to government regulatory programs for which health information is necessary for determining compliance with program standards; or,
- (4) Entities subject to civil rights laws for which health information is necessary for determining compliance.

c. **Exceptions.**

For purposes of the disclosures permitted by Section VI.E.5.b, above, a health oversight activity does not include an investigation or other activity in which the individual is the subject of the investigation or activity and such investigation or other activity does not arise out of and is not directly related to:

- (1) The receipt of health care;

- (2) A claim for public benefits related to health; or,
- (3) Qualification for, or receipt of, public benefits or services when a patient's health is integral to the claim for public benefits or services.

d. **Joint Activities or Investigations.** Notwithstanding the exceptions stated in Section VI.E.5.c, above, if a health oversight activity or investigation is conducted in conjunction with an oversight activity or investigation relating to a claim for public benefits not related to health, the joint activity or investigation is considered a health oversight activity for purposes of this section.

**6. Disclosures for Judicial and Administrative Proceedings.**

a. **Delivery to Chief Privacy Officer.** Any member of Ottawa County's affected workforce who receives an order of a court or administrative tribunal or a subpoena, discovery request, or other lawful process must promptly deliver or otherwise communicate the document to the Chief Privacy Officer or his/her designee prior to the disclosure being made. The Chief Privacy Officer or his/her designee will then oversee the disclosure for compliance with these privacy policies. The disclosure should not occur until it has been approved by the Chief Privacy Officer or his/her designee.

b. **General Rules.** Ottawa County will disclose protected health information in the course of any judicial or administrative proceeding:

- (1) In response to an order of a court or administrative tribunal, provided Ottawa County will disclose only the protected health information expressly authorized by the order; or,
- (2) In response to a subpoena, discovery request, or other lawful process, that is not accompanied by an order of a court or administrative tribunal, if such disclosure is authorized or required by Michigan law, and only if the procedures followed by the requesting party fully comply with the requirements of Michigan law.

c. **Satisfactory Assurance.**

(1) **That Individual Has Received Notice.** Ottawa County will be considered to have received “satisfactory assurance” from a party seeking protected health information that the individual has received notice if Ottawa County receives from that party a written statement and accompanying documentation demonstrating that:

(a) The party requesting the information has made a good faith attempt to provide written notice to the individual (or, if the individual’s location is unknown, to mail a notice to the individual’s last known address);

(b) The notice included sufficient information about the litigation or proceeding in which the protected health information is requested to permit the individual to raise an objection to the court or administrative tribunal; and,

(c) The time for the individual to raise objections to the court or administrative tribunal has elapsed, and:

i) No objections were filed; or,

ii) All objections filed by the individual have been resolved by the court or the administrative tribunal and the disclosures being sought are consistent with that resolution.

(d) Or it the disclaimer is made in compliance with Michigan law.

d. **Not Limitation on Other Uses and Disclosures.** The provisions of this section dealing with disclosures for judicial and administrative proceedings do not supersede other provisions of these privacy policies that otherwise permit or restrict uses of disclosures of protected health information.



**1.7. Disclosures for Law Enforcement Purposes.**

- a. **Delivery to Privacy Officer.** Any member of Ottawa County’s workforce who receives a request, or proposes, to disclose protected health information for law enforcement purposes must promptly deliver or otherwise communicate the request or proposal to the Chief Privacy Officer or his/her designee prior to the disclosure being made. The Chief Privacy Officer or his/her designee will then oversee the use or disclosure for compliance with these privacy policies and Michigan law. The use or disclosure should not occur until it has been approved by the Chief Privacy Officer or his/her designee, unless otherwise required by law.
  
- b. **Pursuant to Process and As Otherwise Required by Law.** An authorized member of Ottawa County’s affected workforce may disclose protected health information:
  - (1) As required by Michigan law including laws that require the reporting of certain types of wounds or other physical injuries, except:
    - (a) For laws concerning a public health authority or other appropriate government authority authorized by law to receive reports of child abuse or neglect (see, Section VI.E.3.b.(1).); or,
    - (b) To the extent the disclosure is pursuant to a mandatory reporting law concerning reporting of abuse, neglect, or domestic violence and the disclosure complies with and is limited to the relevant requirements of that law (see, Section VI.E.4.b.(1).
  
  - (2) In compliance with and as limited by relevant requirements of:
    - (a) A court order or court-ordered warrant, or a subpoena or summons issued by a judicial officer;
    - (b) A grand jury subpoena; or,

- (c) An administrative request, including an administrative subpoena or summons, a civil or an authorized investigative demand, or similar process authorized under law, if disclosure is authorized or required by law.

c. **Limited Information for Identification and Location Purposes.**

Except for disclosures required by law as permitted by VI.E.7.b, VI.E.7.b, above, an authorized member of Ottawa County's affected workforce may disclose protected health information in response to a law enforcement official's request for such information for the purpose of identifying or locating a suspect, fugitive, material witness, or missing person, provided that:

- (1) Ottawa County may disclose only the following information:

- (a) Name and address;
- ~~(b)~~(a) Date and place of birth;
- ~~(c)~~(a) Social Security number;
- ~~(d)~~(a) ABO blood type and rh factor;
- ~~(e)~~(a) Type of injury;
- ~~(f)~~(a) Date and time of treatment;
- ~~(g)~~(a) Date and time of death, if applicable; and,
- ~~(h)~~(a) A description of distinguishing physical characteristics, including height, weight, gender, race, hair and eye color, presence or absence of facial hair (beard or moustache), scars, and tattoos.

~~(2)~~(1) Except as stated in (1), above, a member of Ottawa County's workforce may not disclose for the purposes of identification or location under this section any protected health information related to the individual's DNA or DNA analysis, dental records, or typing, samples or analysis of body fluids or tissue, unless otherwise authorized or required by Michigan law.

~~d.a.~~ **Victims of a Crime.** Except for disclosures required by law as permitted by VI.E.7. b, VI.E.7.b, above, an authorized member of Ottawa County's affected workforce may disclose protected health information in response to a law enforcement official's request for such information about an individual who is or is suspected to be a

victim of a crime, other than disclosures that are subject to Section VI.E.7.b, VI.E.7.b, and Section VI.E.7.c, if:

- (1) If the individual agrees to the disclosure; or,
- (2) Ottawa County is unable to obtain the individual's agreement because of incapacity or other emergency circumstance, provided that the disclosure is otherwise authorized or required by Michigan law.

**e.b. Decedents.** An authorized member of Ottawa County's affected workforce may disclose protected health information about an individual who has died to a law enforcement official for the purpose of alerting law enforcement of the death of the individual if Ottawa County has a suspicion that such death may have resulted from criminal conduct, or if such notice is otherwise required by Michigan law.

**a.c. Crime on the Premises.** An authorized member of Ottawa County's may disclose to a law enforcement official protected health information that he or she believes in good faith constitutes evidence of criminal conduct that occurred on the premises of Ottawa County.

**b.d. Reporting Crime in Emergencies.** If Ottawa County is providing emergency health care in response to a medical or mental health emergency, other than on the premises of Ottawa County, an authorized member of Ottawa County's affected workforce may disclose protected health information to a law enforcement official if such disclosure appears necessary to alert law enforcement to:

- (1) The commission and nature of a crime;
- (2) The location of such crime or of the victim(s) of such crime; and,
- (3) The identity, description, and location of the perpetrator of the crime.

If the member of Ottawa County's affected workforce believes the

medical or mental health emergency is the result of abuse, neglect, or domestic violence of the individual in need of emergency health care, the preceding does not apply and any disclosure to a law enforcement official for law enforcement purposes is subject to Section VI.E.7.c of these privacy policies and if the disclosure is authorized or required by Michigan law.

**2.8. Uses and Disclosures About Decedents.**

- a. **Delivery to Privacy Officer.** Any member of Ottawa County's affected workforce who receives a request, or proposes, to use or disclose protected health information to a coroner, medical examiner, or funeral director must promptly deliver or otherwise communicate the request or proposal to the Chief Privacy Officer or his/her designee prior to the use or disclosure being made. The Privacy Officer will then oversee the use or disclosure for compliance with these privacy policies. The use or disclosure may not occur until it has been approved by the Chief Privacy Officer or his/her designee.
  
- b. **Coroners and Medical Examiners.** An authorized member of Ottawa County's affected workforce may disclose protected health information to a coroner or medical examiner for the purpose of identifying a deceased person, determining a cause of death, or other duties as authorized or required by Michigan law.
  
- c. **Funeral Directors.** An authorized member of Ottawa County's ~~affected workforce~~affected workforce may disclose protected health information to funeral directors consistent with applicable law, as necessary to carry out their duties with respect to the decedent. If necessary for funeral directors to carry out their duties, Ottawa County may disclose the protected health information prior to, and in reasonable anticipation of, the individual's death, in compliance with Michigan law.

**3.9. Uses and Disclosures for Cadaveric Organ, Eye or Tissue Donation.**

- a. **Delivery to Privacy Officer.** Any member of Ottawa County's authorized workforce who receives a request, or proposes, to use or disclose protected health information for purposes of

~~cadaver~~, ~~Cadaveric~~ organ, eye or tissue donation must promptly deliver or otherwise communicate the request or proposal to the Chief Privacy Officer or his/her designee prior to the use or disclosure being made. The Chief Privacy Officer or his/her designee will then oversee the use or disclosure for compliance with these privacy policies. The use or disclosure may not occur until it has been approved by the Chief Privacy Officer or his/her designee.

- b. **Permitted Uses and Disclosures.** An authorized member of Ottawa County's affected workforce may use or disclose protected health information to organ procurement organizations or other entities engaged in the procurement, banking or transplantation of Cadaveric organs, eyes or tissue for the purpose of facilitating organ, eye or tissue donation and transplantation, or authorized by Michigan law.

#### **4.10. Uses and Disclosures for Research Purposes.**

- a. **Delivery to Chief Privacy Officer.** Any member of Ottawa County's affected workforce who receives a request, or proposes, to use or disclose protected health information for research purposes must promptly deliver or otherwise communicate the request or proposal to the Chief Privacy Officer or his/her designee prior to the use or disclosure being made. The Chief Privacy Officer or his/her designee will then oversee the use or disclosure for compliance with these privacy policies. The use or disclosure may not occur until it has been approved by the Chief Privacy Officer or his/her designee.

~~b.a.~~ **Permitted Uses and Disclosures.** An authorized member of Ottawa County's affected workforce may use or disclose protected health information for research, regardless of the source of funding for the research, provided that:

- (1) **Board Approval of a Waiver of Authorization.** Ottawa County obtains documentation that an alteration to or waiver, in whole or in part, of the individual authorization required by Section VI.C.8 of these privacy policies for use and disclosure of protected health information has been approved by either:

- (a) An Institutional Review Board (IRB) established in accordance with the federal regulations set forth in the HIPAA privacy rule; or,
- (b) A privacy board that meets the requirements of the HIPAA privacy rule, *see*, 45 CFR §164.512(i)(1)(i)(B).

The documentation must include all of the information required by the HIPAA privacy rule, *see*, 45 CFR §164.512(i)(2).

(2) **Reviews Preparatory to Research.** Ottawa County obtains from the researcher representations that:

- (a) Use or disclosure is sought solely to review protected health information as necessary to prepare a research protocol or for similar purposes preparatory to research;
- (b) No protected health information will be removed from Ottawa County by the researcher in the course of the review; and,
- (c) The protected health information for which use or access is sought is necessary for the research purposes.

(3) **Research on Decedent's Information.** Ottawa County obtains from the researcher:

- (a) Representation that the use or disclosure is sought is solely for research on the protected health information of decedents;
- (b) Documentation, at the request of Ottawa County, of the death of such individuals; and,
- (c) Representation that the protected health information for which use or disclosure is sought is necessary for the research purposes.

**5.11. Uses and Disclosures to Avert a Serious Threat to Health or Safety.**

- a. **Delivery to Chief Privacy Officer.** Any member of Ottawa County's affected workforce who receives a request, or proposes, to use or disclose protected health information to avert a serious threat to health or safety must promptly deliver or otherwise communicate the request or proposal to the Chief Privacy Officer or his/her designee prior to the use or disclosure being made. The Chief Privacy Officer or his/her designee will then oversee the use or disclosure for compliance with these privacy policies. The use or disclosure may not occur until it has been approved by the Chief Privacy Officer or his/her designee.

**b.a. Permitted Uses and Disclosures.** An authorized member of Ottawa County's affected workforce may, consistent with Michigan law and standards of ethical conduct, use or disclose protected health information, if the member of Ottawa County's affected workforce, in good faith, believes the use or disclosure:

**(1) Serious and Imminent Threat.**

- (a) Is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public; and,
- (b) Is to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat; and,
- (c) Is otherwise authorized by Michigan law.

**(2) Law Enforcement.**

Is necessary for law enforcement authorities to identify or apprehend an individual:

- (a) Because of a statement by an individual admitting participation in a violent crime that Ottawa County reasonably believes may have caused serious physical harm to the victim; or,

(b) Where it appears from all the circumstances that the individual has escaped from a correctional institution or from lawful custody; and,

(c) Is otherwise authorized by Michigan law.

**e.b. Uses and Disclosures Not Permitted.**

A use or disclosure pursuant to Section VI.E.11.b.(2)(a), above, concerning a statement of an individual may not be made if the information described in that section is learned by Ottawa County:

(1) In the course of treatment to affect the propensity to commit the criminal conduct that is that basis for the disclosure under that section, or counseling or therapy; or,

(2) Through a request by the individual to initiate or to be referred for the treatment, counseling, or therapy described in Section VI.E.11.b.(2)(a), above; unless,

(3) The disclosure is required by Michigan law.

A disclosure made pursuant to Section VI.E.11.b.(2)(a), above, shall contain only the statement described in that section and the protected health information described in Section VI.F.7.c.(1) of these privacy policies, unless the disclosure of additional information is required by Michigan law.

**6.12. Uses and Disclosures for Specialized Government Functions.**

a. **Delivery to Privacy Officer.** Any member of Ottawa County's affected workforce who receives an a request, or proposes, to use or disclose protected health information for purposes of a specialized government function described in this Section VI.E.12 must promptly deliver or otherwise communicate the request or proposal to the Chief Privacy Officer or his/her designee prior to the use or disclosure being made. The Chief Privacy Officer or his/her designee will then oversee the use or disclosure for compliance with these privacy policies. The use or disclosure may not occur until it has been approved by the Chief Privacy Officer or his/her designee.



**b. Military and Veterans Activities.**

**(1) Armed Forces Personnel.**

An authorized member of Ottawa County's affected workforce may use and disclose the protected health information of individuals who are Armed Forces personnel for activities deemed necessary by appropriate military command authorities to assure the proper execution of the military mission, if the appropriate military authority has published by notice in the *Federal Register* the following information:

- (a) Appropriate military command authorities; and,
- (b) The purposes for which the protected health information may be used or disclosed.

**(2) Foreign Military Personnel.** An authorized member of Ottawa County's affected workforce may use and disclose the protected health information of individuals who are foreign military personnel to their appropriate foreign military authority for the same purposes for which uses and disclosures are permitted for Armed Forces personnel under the notice published in the *Federal Register*.

**c. National Security and Intelligence Activities.**

An authorized member of Ottawa County's affected workforce may disclose protected health information to authorized federal officials for the conduct of lawful intelligence, counter-intelligence, and other national security activities authorized by the National Security Act, 50 U.S.C. 401 *et seq.*, and implementing authority, *e.g.*, Executive Order 12333.

**d. Protective Services for the President and Others.**

An authorized member of Ottawa County's affected workforce may disclose protected health information to authorized federal

officials for the provision of protective services to the President of the United States or other persons authorized by 18 U.S.C. 3056, or to foreign heads of state or other persons authorized by 22 U.S.C. 2709(a)(3), or to for the conduct of investigations authorized by 18 U.S.C. 871 and 879.

e. **Correctional Institutions and Other Law Enforcement Custodial Situations.**

(1) **Permitted Disclosures.** An authorized member of Ottawa County's affected workforce may disclose to a correctional institution or a law enforcement official having lawful custody of an inmate or other individual protected health information about such inmate or individual, if the correctional institution or such law enforcement official represents that such protected health information is necessary for:

- (a) The provision of health care to such individuals;
- (b) The health and safety of such individual or other inmates;
- (c) The health and safety of the officers or employees of or others at the correctional institution;
- (d) The health and safety of such individuals and officers or other persons responsible for the transporting of inmates or their transfer from one institution, facility, or setting to another;
- (e) Law enforcement on the premises of the correctional institution; and,
- (f) The administration and maintenance of the safety, security, and good order of the correctional institution.

(2) **No Application After Release.** For purposes of this provision, an individual is no longer an inmate when released on parole, probation, supervised release, or otherwise is no longer in lawful custody.

**7.13. Disclosures for Workers' Compensation.**

**a. Delivery to Chief Privacy Officer.**

Unless the use or disclosure has previously been approved by the Chief Privacy Officer, a member of Ottawa County's affected workforce who receives a request, or proposes to disclose protected health information to comply with laws relating to workers compensation or other similar programs, must promptly deliver or otherwise communicate the request or proposal to the Chief Privacy Officer or his/her designee prior to the disclosure being made. The Chief Privacy Officer or his/her designee will then oversee the use or disclosure for compliance with these privacy policies. The use or disclosure should not occur until it has been approved by the Chief Privacy Officer or his/her designee.

- b. **Permitted Disclosures.** An authorized member of Ottawa County's affected workforce may disclose protected health information as authorized by and to the extent necessary to comply with laws relating to workers' compensation or other similar programs, established by law, that provide benefits for work-related injuries or illnesses. ~~without regard to fault.~~

**8.14. Disclosure to the Secretary of Health and Human Services.**

**a. Delivery to Chief Privacy Officer.**

Any member of Ottawa County's affected workforce who receives a request, or proposes, to disclose protected health information to the Secretary of Health and Human Services must promptly deliver or otherwise communicate the request or proposal to the Privacy Officer prior to the disclosure being made. The Chief Privacy Officer or his/her designee will then oversee the disclosure for compliance with these privacy policies. The use or disclosure should not occur until it has been approved by the Chief Privacy Officer or his/her designee.

- b. **Permitted Disclosures.** Acting through its Chief Privacy Officer or his/her designee, Ottawa County will permit access by the

Secretary of Health and Human Services during normal business hours to its facilities, books, records, accounts and other sources of information, including protected health information, that are pertinent to ascertaining compliance with the applicable requirements of the HIPAA privacy rule. If the Secretary of Health and Human Services determines that exigent circumstances exist, such as when documents may be hidden or destroyed, Ottawa County will permit access by the Secretary of Health and Human Services at any time and without notice.

If any information required of Ottawa County under this section is in the exclusive possession of any other agency, institution, or person and that other agency, institution or person fails or refuses to furnish the information, the Chief Privacy Officer or his/her designee will so certify and set forth what efforts Ottawa County has made to obtain the information.

**9.15. Disclosures by Whistleblowers.**

A member of Ottawa County's affected workforce or a business associate may disclose protected health information, provided that:

- a. The workforce member or business associate believes in good faith that Ottawa County has engaged in conduct that is unlawful or otherwise violates professional or clinical standards, or that the care, services or conditions provided by Ottawa County potentially endangers one or more patients, workers, or the public; and,
- b. The disclosure is to:
  - (1) A health oversight agency or public health authority authorized by law to investigate or otherwise oversee the relevant conduct or conditions of Ottawa County or to an appropriate health care accreditation organization for the purpose of reporting the allegation of failure to meet professional standards or misconduct by Ottawa County; or,
  - (2) An attorney retained by or on behalf of the workforce member or business associate for the purpose of determining the legal options of the workforce member or business associate with regard to the conduct described in Section a., above.

The disclosure does not need to be approved by the Chief Privacy Officer or his/her designee before it is made.

**10.16. Disclosures by Workforce Members Who are Victims of a Crime.**

A workforce member who is the victim of a criminal act may disclose protected health information to a ~~law~~ law enforcement official, provided that:

- a. The protected health information disclosed is about the suspected perpetrator of the criminal act; and,
- b. The protected health information disclosed is limited to the following information:
  - (1) Name and address;
  - (2) Date and place of birth;
  - (3) Social Security number;
  - (4) ABO blood type and Rh factor;
  - (5) Type of injury;
  - (6) Date and time of treatment;
  - (7) Date and time of death, if applicable; and,
  - (8) A description of distinguishing physical characteristics, including height, weight, gender, race, hair and eye color, presence of absence of facial hair (beard or moustache), scars, and tattoos.

The disclosure does not need to be approved by the Chief Privacy Officer or his/her designee before it is made.

**11.17. Disclosures to Business Associates.**

**a. Delivery to Chief Privacy Officer.**

Unless the use or disclosure has previously been approved by the Chief Privacy Officer or his/her designee, any member of Ottawa County's workforce who receives a request, or proposes, to disclose protected health information to a business associate of Ottawa County must promptly deliver or otherwise communicate the request or proposal to the Chief Privacy Officer or his/her designee prior to the disclosure being made. The Chief Privacy Officer or his/her designee will then oversee the use or disclosure for compli-

ance with these privacy policies. The use or disclosure may not occur until it has been approved by the Chief Privacy Officer or his/her designee.

- b. **Permitted Disclosures.** Authorized members of Ottawa County's ~~affected workforce~~ affected workforce may disclose protected health information to a business associate and may allow a business associate to create or receive protected health information on Ottawa County's behalf, if Ottawa County has a written contract with the business associate that meets the requirements of the HIPAA privacy rule.

## F. Uses and Disclosures for Marketing.

### 1. General Rule.

Except as stated in section VI.F, below, a member of Ottawa County's ~~affected workforce~~ affected workforce may not use protected health information for marketing without an authorization that meets the applicable requirements of Section VI.C of these privacy policies, except as stated in this Section VI.F.

Any use of protected health information for marketing without an authorization must be approved in advance by the Chief Privacy Officer or his/her designee.

### 2. Exceptions.

An authorization does not need to be obtained if Ottawa County uses or discloses protected health information to make a marketing communication to an individual that:

- a. Occurs in a face-to-face encounter with the individual;
- b. Concerns products or services of nominal value (*e.g.*, pens, refrigerator magnets); or,
- c. Concerns the health-related products and services ~~of Ottawa~~ of Ottawa County or of a third party and the communication meets the applicable conditions stated below.

An authorized member of Ottawa County's ~~affected workforce~~affected workforce may disclose protected health information for purposes of such marketing communications to a business associate that assists Ottawa County with such communications.

**3. Conditions.**

For a marketing communication to be permitted under Section VI.F.2, above, the following conditions must be met:

- a. The communication must:
  - (1) Identify Ottawa County as the party making the communication;
  - (2) If Ottawa County has received or will receive direct or indirect remuneration for making the communication, prominently state that fact; and,
  - (3) Except when the communication is contained in a news-letter or similar type of general communication device that Ottawa County distributes to a broad cross section of patients or other broad groups of individuals, contain instructions describing how the individual may opt out of receiving future such communication.
- b. If Ottawa County uses or discloses protected health information to target the communication to individuals based on their health status or condition:
  - (1) Ottawa County must determine prior to making the communication that the product or service being marketed may be beneficial to the health of the type or class of individual targeted; and,
  - (2) The communication must explain why the individual has been targeted and how the product or services relates to the health of the individual.
- c. Ottawa County must make reasonable efforts to ensure that individuals who decide to opt out of receiving future marketing communications are not sent future communications.

4. **“Marketing” Defined.**

a. **General Rule.** Except as stated in Section VI.F.4.b, below, for purposes of these privacy policies, “marketing” means to make a communication about a product or service a purpose of which is to encourage recipients of the communication to purchase or use the product or service.

b. **Exception.** Marketing does not include:

(1) A communication that is made orally; or,

(2) A communication that is in writing and Ottawa County does not receive direct or indirect remuneration from a third party for making the communication; and

(3) The communication is made by Ottawa County:

(a) For the purpose of describing the entities participating in a health care provider network or health plan network, or for the purposes of describing if and the extent to which a product or service (or payment for that product or service) is provided by an entity covered by the HIPAA privacy rule or included in a plan of benefits; or,

(b) That are tailored to the circumstances of a particular individual and the communications are:

i) Made by Ottawa County as part of the treatment of the individual, and for the purposes of furthering the treatment of that individual; or,

ii) Made by Ottawa County to an individual in the course of managing the treatment of that individual, or for the purpose of directing or recommending to that individual alternative treatments, therapies, health care providers, or settings of care.



**A.G. Uses and Disclosures for Fundraising.**

**1. General Rule.**

An authorized member of Ottawa County’s affected workforce may use, or disclose to a business associate or to an institutionally related foundation, the following protected health information for the purpose of raising funds for its own benefit, without an authorization meeting the requirements of Section VI.C of these privacy policies:

- a. Demographic information relating to an individual; and,
- b. Dates of health care provided to an individual.

Any use of protected health information for the purpose of raising funds for Ottawa County’s benefit without an authorization must be approved in advance by the Chief Privacy Officer or his/her designee.

**2. Opting Out.** Any fundraising materials Ottawa County sends to an individual must include a description of how the individual may opt out of receiving any further fundraising communications.

Ottawa County must make reasonable efforts to ensure that individuals who decide to opt out of receiving future marketing communications are not sent future communications.

**B.H. Verification of Identity and Authority.**

**1. General Rule.**

Prior to any disclosure of protected health information, the authorized member of Ottawa County’s affected workforce who is making the disclosure must:

- a. Except with respect to disclosures under VI.D, “Uses and Disclosures Requiring an Opportunity for the Individual to Agree or to Object” of these privacy policies, verify the identity of a person requesting protected health information and the authority of that person to have access to protected health information under these privacy policies, if the identity of that person is not known to Ottawa County; and,

- b. Obtain any documentation, statements, or representations, whether oral or written, from the person requesting the protected health information when such documentation, statement, or representation is a condition of the disclosure under these privacy policies.

**2. Personal Representatives.**

Unless the person and his or her authority is known to Ottawa County, the authorized member of Ottawa County’s affected workforce who is making a disclosure to an individual’s personal representative shall verify the person’s identity by way of a government issued document with a picture (e.g., a driver’s license, passport) and verify the person’s authority (e.g., requiring a copy of a power of attorney, asking questions to establish relationship to a child.)

**3. Conditions on Disclosures.**

If a disclosure is conditioned by these privacy policies on particular documentation, statements, or representations from the person requesting the protected health information, the authorized member of Ottawa County’s affected workforce who is making the disclosure may rely, if such reliance is reasonable under the circumstances, on documentation, statements, or representations that, on their face, meet the applicable requirements.

In this regard:

- a. The conditions in Section VI.E.7.b.(2)(c) under “Disclosures for Law Enforcement Purposes” of these privacy policies may be satisfied by the administrative subpoena or similar process or by a separate written statement that, on its face, demonstrates that the applicable requirements have been met.
- b. The documentation required by Section VI.E.10.b.(1), “Board Approval of a Waiver of Authorization” of these privacy regulations, may be satisfied by one or more written statements provided that each is appropriately dated and signed in accordance with the HIPAA privacy rule, 45 CFR §164.512(i)(2)(i)&(v).

**4. Identity of Public Officials.**

Ottawa County may rely, if such reliance is reasonable under the circumstances, on any of the following to verify identity when the disclosure of protected health information is to a public official or a person acting on behalf of a public official:

- a. If the request is made in person, presentation of an agency identification badge, other official credentials, or other proof of government status;
- b. If the request is made in writing, the request is on the appropriate government letterhead; or,
- c. If the disclosure is to a person acting on behalf of a public official, a written statement on appropriate government letterhead that the person is acting under the government's authority or other evidence or documentation of agency, such as a contract for services, memorandum of understanding, or purchase order, that establishes that the person is acting on behalf of the public official.

#### **5. Authority of Public Officials.**

Ottawa County may rely, if such reliance is reasonable under the circumstances, on any of the following to verify authority when the disclosure of protected health information is to a public official or a person acting on behalf of a public official:

- a. A written statement of the legal authority under which the information is requested, or , if a written statement would be impractical, on oral statement of such legal authority;
- b. If a request is made pursuant to legal process, warrant, subpoena, order or other legal process issued by a grand jury or a judicial or administrative tribunal is presumed to constitute legal authority.

#### **6. Exercise of Professional Judgment.**

The verification requirements of this section are met if a member of Ottawa County's affected workforce relies on the exercise of professional judgment in making a use or disclosure in accordance with Section VI.D, "Uses or Disclosures Requiring an Opportunity for the Individual to Agree or Object" of these privacy policies or acts on a good faith belief in

making a disclosure in accordance with Section VI.E.11, “Uses or Disclosures to Avert a Serious Threat to Health or Safety” of these privacy policies.

**C.I. How to Resolve Conflicting Consents and Authorizations.**

**1. Comply with More Restrictive.**

If Ottawa County obtains an authorization or written legal permission from the individual for a disclosure of protected health information to carry out treatment, payment, or health care operations, Ottawa County may disclose that protected health information only in accordance with the more restrictive authorization, or other written legal permission from the individual.

**2. Attempt to Resolve Conflict.**

Ottawa County may attempt to resolve a conflict between an authorization or other written legal permissions, from the individual by:

- a. Obtaining a new authorization from the individual for the disclosure; or,
- b. Communicating orally or in writing with the individual in order to determine the individual’s preference in resolving the conflict. Ottawa County must document the individual’s preference and may only disclose protected health information in accordance with the individual’s preference.

**3. Communicate to Chief Privacy Officer.** Any member of Ottawa County’s affected workforce who encounters conflicting authorizations or other legal permissions must promptly communicate the situation and documents to the Chief Privacy Officer or his/her designee who will determine how Ottawa County should proceed.

**D.J. Prior Consents and Authorizations.**

**1. General Rule.**

Notwithstanding other sections of these privacy policies, Ottawa County may continue to use or disclose protected health information pursuant to

an authorization or other express legal permission obtained from an individual permitting the use or disclosure of protected health information if:

- a. It was obtained prior to April 14, 2003;
- b. It does not comply with Section VI.B, “Consent for Uses and Disclosures to Carry Out Treatment, Payment and Health Care Operations” or Section VI.C, “Uses and Disclosures for Which an Authorization is Required” of these privacy policies; and,
- c. The use or disclosure complies with the conditions stated in Section VI.J.2, below.

**2. Conditions.**

- a. **For Treatment, Payment, or Health Care Operations.** If the authorization or other express legal permission obtained from an individual permits a use or disclosure for purposes of carrying out treatment, payment, or health care operations, Ottawa County may, with respect to protected health information it received before April 14, 2003, and to which the authorization or other express legal permission obtained from the individual applies, use or disclose such information for purposes of carrying out treatment, payment, and health care operations, provided that:
  - (1) Ottawa County does not make any use or disclosure that is expressly excluded from the authorization or other express legal permission obtained from the individual; and,
  - (2) Ottawa County complies with all limitations placed by the authorization or other express legal permission obtained from the individual.
- b. **For Purpose Other Than Treatment, Payment, or Health Care Operations.** If the authorization, or other express legal permission obtained from an individual specifically permits a use or disclosure for a purpose other than to carry out treatment, payment or health care operations, Ottawa County may, with respect to protected health information that Ottawa County created or received before April 14, 2003, and to which the authorization, or other express legal permission obtained from the individual applies, make such

use or disclosure, provided that:

- (1) Ottawa County does not make any use or disclosure that is expressly excluded from the authorization, or other express legal permission obtained from the individual; and,
- (2) Ottawa County complies with all limitations placed by the authorization, or other express legal permission obtained from the individual.

c. **Research.** In the case of an authorization, or other express legal permission obtained from the individual that identifies a specific research project that includes treatment of individuals:

- (1) If the authorization, or other express legal permission obtained from an individual specifically permits a use or disclosure for purposes of the project, Ottawa County may, with respect to protected health information that it created or received either before or after April 14, 2003, and to which the consent or authorization applies, make such use or disclosure for purposes of that project, provided that Ottawa County complies with all limitations placed by the authorization, or other express legal permission obtained from the individual.
- (2) If the authorization, or other express legal permission obtained from an individual is a general consent to participate in the project, and Ottawa County is conducting or participation in the research, Ottawa County may, with respect to protected health information that is created or received as part of the project before or after April 14, 2003, make a use or disclosure for purposes of that project, provided that Ottawa County complies with all limitations placed by the authorization, or other express legal permission obtained from the individual.

d. **Agreed to Restriction.** If, after April 14, 2003, Ottawa County agrees to a restriction requested by an individual under Section VII.A.1, "Restriction of Uses and Disclosures" of these privacy policies, a subsequent use or disclosure of protected health information that is subject to the restriction based on an authorization, or other express legal permission obtained from an

individual, as given effect by Section VI.J.1, “Prior Consents and Authorizations” of these privacy policies, must comply with such restriction.

## **VII. RIGHTS OF INDIVIDUALS.**

### **A. Right to Request Privacy Protection.**

#### **1. Restriction of Uses and Disclosures.**

a. **Generally.** Ottawa County will permit an individual to request that Ottawa County restrict:

- (1) Uses and disclosures of protected health information about the individual to carry out treatment, payment or health care operations; and,
- (2) Disclosures permitted under Section VI.D.3, “Persons Involved in the Individual’s Care; Notification” of these privacy policies, for involvement in the individual’s care and notification purposes.

Whether or not Ottawa County will agree to the restriction will be determined by the Chief Privacy Officer or his/her designee. If a restriction is agreed to, a written or electronic record of that restriction shall be retained by Ottawa County for six years from the date of its creation or the date when it was last in effect, whichever is later.

If Ottawa County agrees to a restriction, the protected health information shall not be used or disclosed in violation of such restriction, except that, if the individual who requested the restriction is in need of emergency treatment and the restricted protected health information is needed to provide the emergency treatment, the restricted protected health information may be used by Ottawa County, or may be disclosed by an authorized member of Ottawa County’s affected workforce to a health care provider, to provide such treatment to the individual. If the information is disclosed to a health care provider for emergency treatment, the member of Ottawa County’s affected workforce making the disclosure shall request that health care provider not further use or disclose the information.

A restriction agreed to by Ottawa County under this Section VII.A.1.a is not effective to prevent uses or disclosures:

- (a) To the individual when requested by the individual pursuant to the individual's right of access to the information (see, Section VII.B, "Right of Access").
- (b) When the use or disclosure does not require an authorization, or opportunity to agree or object is not required (see, Section VI.E, "Uses and Disclosures for which Consent, an Authorization, or an Opportunity to Agree or Disagree is Not Required").

b. **Termination of Restriction.** Ottawa County may terminate its agreement to a restriction under this Section VII.A.1, if:

- (1) The individual agrees to or requests the termination in writing;
- (2) The individual orally agrees to the termination and the oral agreement is documented in the patent or client's records; or,
- (3) Ottawa County informs the individual that it is terminating its agreement to the restriction, except that such termination shall be effective only with respect to protected health information created or received after Ottawa County has so informed the individual.

2. **Restriction on Means and Location of Communications.**

a. **Generally.** Ottawa County shall permit individuals to request and, subject to the conditions stated below, shall accommodate reasonable requests by individuals to receive communications of protected health information from Ottawa County by alternative means or at alternative locations.

The request by the individual to receive communications by alternative means or at alternative locations must be in writing.

b. **Conditions.** Ottawa County's accommodation of such requests



shall be conditioned on:

- (a) When appropriate, information as to how payment, if any, will be handled; and,
- (b) Specification by the individual of an alternative address or other method of contact.

Ottawa County shall not require an explanation from the individual as to the basis for the request as a condition of providing communications on a confidential basis.

**B. Right of Access.**

**1. Generally.**

Except when access is denied under Section VII.B.5 , “Denial of Access” of these privacy policies, an individual shall have a right of access to inspect and obtain a copy of protected health information about the individual for as long as the protected health information is maintained in that record set except for:

- a. Psychotherapy notes;
- b. Information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding.
- c. Protected health information subject to the Clinical Laboratory Improvement Amendments of 1988 (CLIA), 42 U.S.C. Section 263a, to the extent the provision of access to the individual would be prohibited by law.

**2. Request for Access.**

The individual’s request for access must be submitted in writing to the Chief Privacy Officer or his/her designee.

**3. Action on Request for Access.**

**a. Time Limits for Action.**

The Chief Privacy Officer or his/her designee shall act on a request for access no later than thirty (30) calendar days after Ottawa County's receipt of the request. However, if the request for access is for protected health information that is not maintained or accessible to Ottawa County on-site, the Chief Privacy Officer or his/her designee shall act on the request for access no later than sixty (60) calendar days after Ottawa County's receipt of the request.

If the Chief Privacy Officer or his/her designee is unable to take an action on the request within the applicable time required by the preceding paragraph, the Chief Privacy Officer or his/her designee may extend the time for the action by no more than thirty (30) calendar days, provided:

- (1) Within the applicable time required by the preceding paragraph, the Chief Privacy Officer or his/her designee shall provide the individual with a written statement of the reason(s) for the delay and the date by which Ottawa County will complete its action on the request; and,
- (2) Only one such extension shall be permitted on a request for access.

**b. Inform Individual of Action on Request.**

If the request is granted, in whole or in part, the Chief Privacy Officer or his/her designee shall inform the individual of the acceptance of the request and provide the access requested in accordance with Section VII.B.4, below.

If the request is denied, in whole or in part, the Chief Privacy Officer or his/her designee shall provide the individual with a written denial, in accordance with Section VII.B.6.b, "Actions if Access is Denied"; of these privacy policies.

**4. Providing Access.**

- a. **Access.** If the individual is granted access, in whole or in part, to protected health information, Ottawa County shall provide the access requested by the individual, including inspection and obtaining a copy, or both, of the protected health information about

the individual in designated record sets. If the same protected health information that is the subject of a request for access is maintained in more than one designated record set or at more than one location, the protected health information will only be produced once in response to a request for access.

**b. Form and Format.**

The protected health information will be provided to the individual in the form or format requested by the individual, if it is readily producible in that form or format. If it is not readily producible in that form or format, it shall be provided in a readable hard copy form or such other form or format as agreed to ~~by Ottawa~~ by Ottawa County and the individual or as required by law.

**c. Summary In Lieu of Access.** The individual may be provided a summary of the protected health information requested, in lieu of providing access to the protected health information, or may be provided an explanation of the protected health information to which access has been provided, if:

- (1) The individual agrees in advance to such a summary or explanation; and,
- (2) The individual agrees in advance to the fees imposed, if any, by Ottawa County for such summary or explanation.

**d. Time and Manner of Access.**

Access shall be provided in a timely manner as stated in Section VII.B.3.a, "Action on Request for Access," of these privacy policies, including arranging with the individual for a convenient time and place to inspect or obtain a copy of the protected health information, or mailing the copy to the individual at the individual's request. Ottawa County may discuss the scope, format and other aspects of the request for access with the individual as necessary to facilitate the timely provision of access.

**e. Fees.**

If the individual requests a copy of the protected health information, or agrees to a summary or explanation of such information, Ottawa County shall impose charges as set forth in Appendix ~~6F~~ to these privacy policies, as permitted by law.

**5. Denial of Access.**

**a. Unreviewable Grounds for Denial.**

Ottawa County may deny an individual access without providing the individual an opportunity for review, in any the following circumstances:

- (1) **Information Is Exempted.** The protected health information is exempted from the right of access as stated in Section VII.B.1, “Generally” of these privacy policies.
- (2) **Inmates.** When Ottawa County is acting under the direction of a correctional institution, Ottawa County may deny, in whole or in part, an inmate’s request to obtain a copy of protected health information, if obtaining such copy would jeopardize the health, safety, security, custody, or rehabilitation of the individual or of other inmates, or the safety of any officer, employee, or other person at the correctional institution or reasonable for the transporting of the inmate or if denial is otherwise authorized by law.:-
- (3) **Research.** An individual’s access to protected health information created or obtained by Ottawa County in the course of research that included treatment may be temporarily suspended for so long as the research is in progress, provided that the individual has agreed to the denial of access when consenting to participate in the research that includes treatment, and Ottawa County has informed the individual that the right of access will be reinstated upon completion of the research.
- (4) **Information Obtained From Others.** An individual’s access may be denied if the protected health information

was obtained from someone other than a health care provider under a promise of confidentiality and the access requested would be reasonably likely to reveal the source of the information, if denial is otherwise authorized by law.

b. **Reviewable Grounds for Denial.** Ottawa County may deny an individual access, provided that the individual is given a right to have the denial reviewed as stated in Section VII.B.6.c, “Review of Denial” of these privacy policies, in any the following circumstances:

(1) **Endangerment.** A licensed health care professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to endanger the life or physical safety of the individual or another person;

(2) **Reference to Another Person.** The protected health information makes reference to another person (unless such other person is a health care provider) and a licensed health care professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to cause substantial harm to such other person; or,

(3) **Personal Representative.** The request for access is made by the individual’s personal representative and a licensed health care professional has determined, in the exercise of professional judgment, that the provision of access to such personal representative is reasonably likely to cause substantial harm to the individual or another person.

6. **Actions if Access is Denied.**

If an individual’s access to protected health information is denied, in whole or in part, Ottawa County shall comply with the following:

a. **Making Other Information Accessible.** Ottawa County shall, to the extent possible, give the individual access to any other protected health information requested, after excluding the protected health information as which Ottawa County had the ground to deny access.

b. **Written Denial.** Ottawa County shall provide a written denial to the individual within the applicable time period stated in Section VII.B.6.c, “Review of Denial” of these privacy policies. The denial shall contain:

- (1) The basis for the denial;
- (2) If applicable, a statement of the individual’s review rights, including a description of how the individual may exercise such review rights;
- (3) A description of how the individual may complain pursuant to Ottawa County’s complaint procedures or to the Secretary of Health and Human Resources, including the name or title, and the telephone number of the Ottawa County contact person or office designated to receive complaints.
- (4) If Ottawa County does not maintain the protected health information that is the subject of the individual’s request for access, and Ottawa County knows where the requested information is maintained, a statement informing the individual where to direct the request for access.

c. **Review of Denial.**

If access is denied on a ground permitted under Section VII.B.5.b, “Reviewable Grounds for Denial” of these privacy policies, above, the individual shall have the right to have the denial reviewed by a licensed health care professional who is designated by the Chief Privacy Officer or his/her designee to act as a reviewing official and who did not participate in the original decision to deny.

The individual’s request for review shall be promptly referred to that designated reviewing official. The designated reviewing official shall then determine, within a reasonable period of time, whether or not to deny the access requested based on the standards stated in Section VII.B.5.b, “Reviewable Grounds for Denial” of these privacy policies.

The Chief Privacy Officer or his/her designee shall then promptly

provide written notice to the individual of the determination of the designated reviewing official and implement the designated reviewing official's determination.

**7. Documentation.**

The Chief Privacy Officer or his/her designee shall maintain, or cause to be maintained, documentation of:

- a. The designated record sets that are subject to access by individuals; and,
- b. The titles of the persons or offices responsible for receiving and processing request for access by individuals.

The documentation shall be maintained by Ottawa County in written or electronic form for six years after the date of its creation or the date when it was last in effect, whichever is later.

**C. Right to Request Amendment.**

**1. Generally.**

Except when access is denied under Section VII.C.5, "Grounds for Denying the Amendment" of these privacy policies, an individual shall have a right to have Ottawa County amend protected health information or a record about the individual in a designated record set for as long as the protected health information is maintained in the designated record set.

**2. Request for Amendment.**

The individual's request for amendment must be submitted in writing to the designated medical records custodian and must state in the written request a reason to support the requested amendment. Individuals shall be informed in advance of these requirements in Ottawa County's Notice of Privacy Practices.

**3. Action on Request for Amendment.**

- a. **Time Limits for Action.** Ottawa County shall act on a request for

access no later than sixty (60) calendar days after Ottawa County's receipt of the request.

If the designated medical records custodian is unable to take an action on the request within that sixty (60) day period, applicable time required by the preceding paragraph, Ottawa County may extend the time for the action by no more than thirty (30) calendar days, provided:

- (1) Within that sixty (60) day period, the designated medical records custodian shall provide the individual with a written statement of the reason(s) for the delay and the date by which Ottawa County will complete its action on the request; and,
- (2) Only one such extension shall be permitted on a request for amendment.

- b. **Inform Individual of Action on Request.** If the request for amendment is accepted, in whole or in part, the designated medical records custodian shall inform the individual of the acceptance of the request and make the amendment requested in accordance with Section VII.C.4.a, above, of these privacy policies.

If the request for amendment is denied, in whole or in part, the designated medical records custodian shall provide the individual with a written denial, in accordance with Section VII.C.6, "Actions if Amendment is Denied" of these privacy policies, and shall take the other actions required by that Section VII.C.6.

#### 4. **Accepting the Amendment.**

If the individual's request for amendment is accepted, in whole or in part, the designated medical records custodian shall:

- a. **Making the Amendment.** The designated medical records custodian shall make the appropriate amendment to the protected health information or record that is the subject of the request for amendment by, at a minimum, identifying the records in the designated record set that are affected by the amendment and appending or otherwise providing a link to the location of the amendment.



b. **Informing the Individual.** The designated medical records custodian shall inform the individual as stated in Section VII.C.3.b, “Inform Individual of Action on Request” of these privacy policies, that the amendment has been accepted and obtain the individual’s identification of and agreement to have Ottawa County notify the relevant persons with the amendment needs to be shared in accordance with Section VII.C.4.c, below.

c. **Informing Others.** The designated medical records custodian shall make a reasonable effort to inform and provide the amendment within a reasonable time to:

(1) Persons identified by the individual as having received protected health information about the individual and needing amendment;

(2) Persons, including Ottawa County business associates, that Ottawa County knows have the protected health information that is the subject of the amendment and that may have relied, or could foreseeably rely, on such information to the detriment of the individual.

## 5. **Grounds for Denying the Amendment.**

An individual’s request to amend protected health information may be denied if the designated medical records custodian determines that the protected health information or record that is the subject of the request:

a. Was not created by Ottawa County, unless the individual provides a reasonable basis to believe that the originator of the protected health information is no longer available to act on the requested amendment;

b. Is not part of the designated record set;

c. Would not be available for inspection (see, Section VII.B.1, “Generally” of these privacy policies); or,

d. Is accurate and complete.

**6. Actions if Amendment is Denied.**

If an individual's requested amendment is denied, in whole or in part, Ottawa County shall comply with the following:

a. **Written Denial.** The designated medical records custodian shall provide a written denial to the individual within the applicable time period stated in Section VII.C.3.a, "Time Limits for Action" of these privacy policies. The denial shall contain:

- (1) The basis for the denial;
- (2) The individual's right to submit a written statement disagreeing with the denial and how the individual may file such a statement;
- (3) A statement that, if the individual does not submit a statement of disagreement, the individual may request that Ottawa County provide the individual's request for amendment and the denial with any future disclosures of the protected health information that is the subject of the requested amendment; and,
- (4) A description of how the individual may complain to Ottawa County pursuant to Ottawa County's complaint procedure or to the Secretary of the United States Department of Health and Human Services. The description shall include the name or title and telephone number of the contact person or office designed by Ottawa County to receive complaints.

b. **Statement of Disagreement.**

The individual may submit a written statement disagreeing with the denial of all or part of a requested amendment and the basis for such disagreement. The written statement must be not more than ~~five~~<sup>ten</sup> (5+0) pages.

c. **Rebuttal Statement.**

The Chief Privacy Officer or his/her designee, may prepare, or

cause to be prepared, a written rebuttal of Ottawa County to the individual's statement of disagreement. If a rebuttal statement is prepared, a copy of it shall be provided to the individual who submitted the statement of disagreement.

d. **Recordkeeping.** As appropriate, the designated medical records custodian shall identify the record or protected health information in the designated record set that is the subject of the disputed amendment and append or otherwise link the individual's request for amendment, Ottawa County's denial of the request, the individual's statement of disagreement, if any, and Ottawa County's rebuttal, if any, to the designated record set.

e. **Future Disclosures.**

(1) If a statement of disagreement has been submitted by the individual, Ottawa County will include the material appended in accordance with section VII.C.6.d, above, or, at the election of the Privacy Officer, an accurate summary of any such information, with any subsequent disclosure of the protected health information to which the disagreement relates.

(2) If the individual has not submitted a written statement of disagreement, Ottawa County will include the individual's request for amendment and its denial, or an accurate summary of such information, with any subsequent disclosure of the protected health information only if the individual has requested such action in accordance with Section VII.C.6.a.(3), "Actions if Amendment is Denied" of these privacy policies.

(3) When a subsequent disclosure described in (1) or (2), above, is made using a transaction that does not permit the additional material to be included with the disclosure, Ottawa County shall separately transmit the material to the recipient of the transaction.

7. **Documentation.**

The Chief Privacy Officer or his/her designee shall maintain

documentation of the titles of the persons or offices responsible for receiving and processing requests for amendment. The documentation shall be maintained by Ottawa County in written or electronic form for six (6) years after the date the notice was last in effect.

**D. Right to an Accounting of Disclosures.**

**1. Right to Accounting.**

a. **General Rule.** Except as stated in VII.D.1.b, “Exceptions” or VII.D.1.c “Suspension of Right for Certain Disclosures”, below, an individual shall have a right to receive an accounting of disclosures of protected health information made by Ottawa County in the six (6) years prior to the date on which the accounting is requested or for such shorter period as the individual may request.

b. **Exceptions.** The right to an accounting of disclosures does not apply to the following types of disclosures:

(1) Pursuant to and in compliance with a consent that complies with Section VI.C, “Consent for Uses and Disclosures to Carry Out Treatment, Payment and Health Care Operations” (see: page 20) of these privacy policies, to carry out treatment, payment and health care operations;

(2) To individuals of protected health information about them;

(3) For national security or intelligence purposes as provided in Section VI.F.12.c, “National Security and Intelligence Activities” of these privacy policies);

(4) To correctional institutions or law enforcement officials as provided in Section VI.F.12.e, “Correctional Institutions and Other Law Enforcement Custodial Situations” of these privacy policies;

(5) That occurred prior to April 14, 2003.

c. **Suspension of Right for Certain Disclosures.** An individual’s right to receive an accounting of disclosures to a health oversight agency (see, Section VI.F.5, “Uses and Disclosures for Health

Oversight Activities” of these privacy policies) or to a law enforcement official (see, Section VI.F.7, “Disclosures for Law Enforcement Purposes” of these privacy policies) shall be temporarily suspended for the time specified by the agency or official, if the agency or official provides Ottawa County with a written statement that such an accounting to the individual would be reasonably likely to impede the agency’s activities and specifying the time for which such a suspension is required.

If the agency or official statement is made orally, the Chief Privacy Officer or his/her designee shall:

- (1) Document the statement, including the identity of the agency or official making the statement;
- (2) Temporarily suspend the individual’s right to an accounting of disclosures subject to the statement; and,
- (3) Limit the temporary suspension to no longer than thirty (30) calendar days from the date of the oral statement, unless a written statement as described above is submitted during that time.

## **2. Content of the Accounting.**

The written accounting provided to the individual shall meet the following requirements:

- a. Except as otherwise stated in Section VII.D.1.b, “Exceptions” of these privacy policies, the accounting must include the disclosures of protected health information that occurred during the period the individual requests up to a maximum of six (6) years prior to the date of the request, including disclosures to or by business associates of Ottawa County.
- b. The accounting must include for each disclosure:
  - (1) The date of the disclosure;
  - (2) The name of the entity or person who received the protected health information and, if known, the address of such entity or person;

- (3) A brief description of the protected health information disclosed; and,
- (4) A brief statement of the purpose of the disclosure that reasonably informs the individual of the basis for the disclosure; or, in lieu of such statement:
  - (a) A copy of the individual's written authorization pursuant to Section VI.D, "Uses and Disclosures for Which an Authorization is Required" of these privacy policies;
  - (b) A copy of a written request for disclosure by the Secretary of Health and Human Services under Section VI.F.14, "Disclosure to the Secretary of Health and Human Services" of these privacy policies, if any; or,
  - (c) A copy of a written request for disclosure under Section VI.F, "Uses and Disclosures for which Consent, an Authorization, or an Opportunity to Agree or Object is Not Required" of these privacy policies, if any.

c. If, during the period covered by the accounting, Ottawa County has made multiple disclosures of protected health information to the same person or entity for a single purpose under Section VI.F.14, "Disclosure to the Secretary of Health and Human Services" or Section VI.F, "Uses and Disclosures for which Consent, an Authorization, or an Opportunity to Agree or Object is Not Required" of these privacy policies, or pursuant to a single authorization under Section VI.D, "Uses and Disclosures for Which an Authorization is Required" of these privacy policies, the accounting may with respect to such multiple disclosures, provide:

- (1) The information required by Section VII.D.2.b of these privacy policies, for the first disclosure during the accounting period;
- (2) The frequency, periodicity, or number of the disclosures made during the accounting period; and,
- (3) The date of the last such disclosure during the accounting period.

3. **Provision of the Accounting.**

- a. **Time Limit to Provide the Accounting.** The Chief Privacy Officer or his/her designee shall act on a request for an accounting no later than sixty (60) calendar days after Ottawa County's receipt of the request.

Within that sixty (60) day period, the Chief Privacy Officer or his/her designee shall:

- (1) Provide the individual with the accounting requested; or,
  - (2) If the Chief Privacy Officer or his/her designee is unable to take an action on the request within that sixty (60) day period, the Chief Privacy Officer or his/her designee may extend the time for the action by no more than thirty (30) calendar days, provided:
    - (a) Within that sixty (60) day period, the Chief Privacy Officer or his/her designee shall provide the individual with a written statement of the reason(s) for the delay and the date by which Ottawa County will provide the accounting; and,
    - (b) Only one such extension shall be permitted on a request for amendment.
- b. **Fee for Accounting.** The first accounting to an individual in any twelve (12) month period will be provided to the individual without charge. For each subsequent request for an accounting by the same individual with the twelve (12) month period shall be as stated in Appendix F to these privacy policies; before charging the fee, however, the Chief Privacy Officer or his/her designee shall notify the individual in advance of the fee and provide the individual an opportunity to withdraw or modify the request for a subsequent accounting in order to avoid or reduce the fee.
- c. **Documentation.** The Chief Privacy Officer shall document and retain the following:

- (1) The information required to be included in an accounting under Section VII.D.2, “Content of Accounting” of these privacy policies, for disclosures of protected health information that are subject to an accounting;
- (2) The written accounting that is provided to the individual under this section; and,
- (3) The titles of the persons of offices responsible for receiving and processing requests for an accounting by individuals.

The documentation shall be maintained by Ottawa County in written or electronic form for six years after the date of its creation or the date when it was last in effect, whichever is later.

## **VIII. PERSONAL REPRESENTATIVES.**

### **A. General Rule.**

Except as otherwise stated or permitted in these privacy policies, Ottawa County will treat a personal representative as the individual for purposes of these privacy policies, as provided for under Michigan law.

### **B. Adults and Emancipated Minors.**

If, under ~~state~~Michigan law, a person has authority to act on behalf of an individual who is an adult or an emancipated minor in making decisions related to health care, Ottawa County will treat such person as a personal representative with respect to protected health information relevant to such personal representative.

### **C. Unemancipated Minors.**

#### **1. General Rule.**

If, under Michigan law, a parent, guardian, or other person acting *in loco parentis* has authority to act on behalf of an individual who is an ~~Unemancipated~~unemancipated minor in making decisions related to health care or mental health care, Ottawa County will treat such person as a personal representative with respect to protected health information relevant to such personal representative.



## **2. Exception.**

Notwithstanding the general rule stated, above, a person will not be treated as a personal representative of an unemancipated minor, and the minor has the authority to act as an individual, with respect to protected health information pertaining to health care services or mental health care services, if:

- a. The minor consents to such health care service or mental health care services; no other consent to such health care services or mental health care services is required by Michigan law, regardless of whether the consent of another persona has also been obtained; and, the minor has not requested that such person be treated as the personal representative.
- b. The minor may lawfully obtain such health care service or mental health care service without the consent of a parent, guardian, or other person acting in loco parentis, and the minor, a court, or another person authorized by Michigan law consents to such health care service or mental health care service; or,
- c. A parent, guardian, or other person acting in loco parentis assents to an agreement of confidentiality between Ottawa County and the minor with respect to such health care service or mental health care service.

## **D. Deceased Individuals.**

If under Michiganstate law an executor, administrator, or other person has authority to act on behalf of a deceased individual or of the individual's estate, Ottawa County will treat that person as a personal representative under these privacy policies with respect to protected health information relevant to such person representation.

## **E. Abuse, Neglect, Endangerment Situations.**

Notwithstanding anything in these privacy policies to the contrary, Ottawa County may elect not to treat a person as the personal representative of an individual if:

1. Ottawa County has a reasonable belief that:

- a. The individual has been or may be subjected to domestic violence, abuse, or neglect by such person; or,
  - b. Treating that person as the personal representative could endanger the individual; and
2. Ottawa ~~County~~, County, in the exercise of professional judgment, decides that it is not in the best interest of the individual to treat the person as the individual's personal representative.

**IX. DEFINITIONS.**

**A. Authorized Member of Ottawa County's Workforce.**

"Authorized member of Ottawa County's workforce" means a member of Ottawa County's affected workforce who has been authorized to take the action involved by: (a) his or her job description; (b) a protocol established by the Chief Privacy Officer; or, (c) by the Chief Privacy Officer or his/her designee.

**B. Business Associate.**

"Business associate" means, with respect to Ottawa County, a person or other legal entity that:

- 1. On behalf of Ottawa County or an organized health care arrangement in which Ottawa County participates, but other than as a member of Ottawa County's workforce, performs, or assists in the performance of:
  - a. A function or activity involving the use or disclosure of individually identifiable health information, including claims processing or administration, utilization review, quality assurance, billing, benefit management, practice management, and reprising; or,
  - b. Any other function or activity regulated by the HIPAA privacy rule; or
- 2. Provides, other than as a member of Ottawa County's workforce, legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, or financial services to or for Ottawa County, or for an organized health care arrangement in which Ottawa

County participates, where the provision of such service involves the disclosure of individually identifiable health information from Ottawa County, or from another business associate of Ottawa County, to the person or legal entity.

However, in any of those situations, if a covered entity participating in a organized health care arrangement performs the function, activity or service for, on behalf of, or to the organized health care arrangement, that by itself does not make that covered entity a business associate of Ottawa County or any other covered entity participating in the organized health care arrangement.

**C. Covered Entity.**

“Covered entity” means a health plan, a health care clearinghouse, or a health care provider that is covered by the HIPAA privacy rule.

**D. Designated Record Set.**

“Designated record set” means a group of records maintained by or for Ottawa County that is:

1. The medical records and billing records about individuals maintained by or for Ottawa County; or,
2. Used, in whole or in part, by or for Ottawa County to make decisions about individuals.

For purposes of this definition, the term “record” means any item, collection, or grouping of information that includes protected health information and is maintained, collected, used, or disseminated by or for Ottawa County.

**E. Disclosure.**

“Disclosure” means the release, transfer, provision of access to, or divulging in any other manner of information outside Ottawa County.

**F. Health Care Operations.**

“Health care operations” means any of the following activities of Ottawa County to the extent that the activities are related to covered functions, and any of the fol-

lowing activities of an organized health care arrangement in which Ottawa County participates:

1. Conducting quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, provided that the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment;
2. Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance, health plan performance, conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of non-health care professionals, accreditation, certification, licensing, or credentialing activities;
3. Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;
4. Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the entity, including formulary development and administration, development or improvement of methods of payment or coverage policies; and,
5. Business management and general administrative activities of Ottawa County, including, but not limited to:
  - a. Management activities relating to implementation of and compliance with the requirements of these privacy policies and the HIPAA privacy rule;
  - b. Customer service;
  - c. Resolution of internal grievances;
  - d. Due diligence in connection with the sale or transfer of assets to a potential successor in interest, if the potential successor in interest is an entity covered by the HIPAA privacy rule or, following completion of the sale or transfer, will become an entity covered by the HIPAA privacy rule; and,

- e. Consistent with the applicable requirements of Section II.B, “De-Identification of Health Information” creating de-identified health information, fundraising for the benefit of Ottawa County, and marketing for which an individual authorization is not required.

**G. Health Care.**

“Health care” means care, services, or supplies related to the health or mental health of an individual.

“Health care” includes, but is not limited to, the following:

1. Preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care, and counseling, service, assessment, or procedure with respect to the physical or mental condition, or functional status, of an individual or that affects the structure or function of the body; and,
2. Sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription.

**H. Health Oversight Agency.**

“Health oversight agency” means an agency or authority of the United States, a state, a territory, a political subdivision of a state or territory, or an Indian ~~tribe~~ tribe that is authorized by law to oversee the health care system (whether public or private) or government programs in which health information is necessary to determine eligibility or compliance, or to enforce civil rights laws for which health information is relevant.

“Health oversight agency” includes the employees or agents of such a public agency or its contractors or persons or entities to whom it has granted authority.

**I. HIPAA Privacy Rule.**

“HIPAA privacy rule” means 45 CFR Part 160 and 45 CFR Part 164 as amended from time to time.

**J. Inmate.**

“Inmate” means a person incarcerated in or otherwise confined to a correctional institution, including but not limited to the Ottawa County [Adult Correctional Facility](#). ~~Jail~~.

**K. Law Enforcement Official.**

“Law enforcement official” means an officer or employee of any agency or authority of the United States, a state, a county, a municipality, a territory, or an Indian tribe, who is empowered by law to:

1. Investigate or conduct an official inquiry into a potential violation of law; or,
2. Prosecute or otherwise conduct a criminal, civil, or administrative proceeding arising from an alleged violation of law.

**L. Payment.**

“Payment” means the activities undertaken by Ottawa County to obtain reimbursement for the provision of health care that relate to the individual for whom health care is provided.

“~~P~~Payment” includes but is not limited to:

1. Determinations of eligibility or coverage (including coordination of benefits or the determination of cost sharing amounts) and adjudication or subrogation of health benefit claims;
2. Billing, claims management, collection activities, obtaining payment under a contract for reinsurance (including stop-loss insurance and excess of loss insurance) and related health care data processing;
3. Review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges;
4. Utilization review activities, including precertification and preauthorization of services, concurrent and retrospective review of services; and,
5. Disclosure to consumer reporting agencies of any of the following protected health information relating to collection of premiums or reimbursement:

- a. Name and address;
- b. Date of birth;
- c. Social Security number;
- d. Payment history;
- e. Account number;
- f. Name and address of Ottawa County.

**M. Psychotherapy Notes.**

“Psychotherapy notes” means notes recorded (in any medium) by a health care provider who is a mental health professional documenting or analyzing the contents of a conversation during a private counseling session or a group, joint or family counseling session and that are separated from the rest of the individual’s medical record. “Psychotherapy notes” excludes medication prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date.

**N. Secretary of Health and Human Services.**

“Secretary of Health and Human Services” means the Secretary of the United States Department of Health and Human Services or any other officer or employee of that Department to whom the authority involved has been delegated.

**O. These Privacy Policies.**

“These privacy policies” means these privacy policies adopted by Ottawa County concerning the protection of the privacy of protected health information.

**P. Treatment.**

“Treatment” means the provision, coordination, or management of health care and related services by one or more health care providers, including the coordination or management of health care by a health care provider with a third party; consultation between health care providers relating to a patient; or the referral of a patient for health care from one health care provider to another.

**Q. Use.**

“Use” means, with respect to individually identifiable health information, the sharing, employment, application, utilization, examination, or analysis of that information within Ottawa County.

**R. Affected Workforce.**

“Workforce” means employees, volunteers, trainees, students, and other persons whose conduct, in the performance of work for Ottawa County, is under the direct control of Ottawa County, whether or not they are paid by Ottawa County, and who are engaged in performing health care or payment activities on behalf of Ottawa County, or who have a role in administering these privacy policies. Faxes containing patient or client records or information may be sent only by a person authorized to send Faxes.

**X. AMENDMENTS.**



These Policies and the County of Ottawa “Notice of Privacy Practices” may be amended, from time-to-time to comply with the requirements of the federal Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), the regulations under HIPAA, any applicable Michigan law that is more stringent than the HIPAA requirements, and to assure prompt, efficient, and effective compliance with the requirements of law. ~~All Amendments shall be promulgated pursuant to the Ottawa County Board of Commissioners Policy on Administrative Rules.~~

WORKFORCE CLASSIFICATIONS NEEDING  
ACCESS TO PROTECTED HEALTH INFORMATION

As may be designated for the respective departments by the Ottawa County Administrator, the Ottawa County Health Officer, the Executive Director of the Ottawa County Mental Health Agency, the Ottawa County Human Resources Director, the Ottawa County Information Technology Director, and/or the Chief Privacy Officer.

APPENDIX 2

ADMINISTRATIVE, TECHNICAL AND  
PHYSICAL SAFEGUARDS

None Additional

APPENDIX 3

PROTOCOLS FOR REQUESTS FOR  
PROTECTED HEALTH INFORMATION

None Additional

APPENDIX 4

LOCATIONS FOR NOTICES OF PRIVACY PRACTICES

The Offices of the Ottawa County Human Resources Director, all offices of the Ottawa County Health Department, all offices of the Ottawa County Community Mental Health Agency, and such other locations as may be directed by the Ottawa County Administrator.

APPENDIX 5

PROTOCOLS FOR ROUTINE OR RECURRING  
REQUESTS FOR PROTECTED HEALTH INFORMATION

None Additional

APPENDIX 6

FEES FOR PROVISION OF PROTECTED  
HEALTH INFORMATION

Fees shall be charged for the provision of copies of protected health information in accordance with the Ottawa County Freedom of Information Act Policy.



# County of Ottawa

## EXHIBIT "C"

### ELECTRONIC HEALTH INFORMATION SECURITY PROTOCOLS POLICY

#### I.1. PURPOSE

This document ~~sets forth~~<sup>states</sup> the electronic health information security ~~protocol~~<sup>policy</sup> of the County of Ottawa ("Ottawa County"), and the standards by which all Ottawa County departments develop, implement, maintain and measure effective electronic health information security practices. ~~This policy will go into effect as an Administrative Rule of Ottawa County on April 20, 2005.~~

#### I. BACKGROUND INFORMATION:

#### II. RULE:

#### 1.2 2. SUPERSEDING EFFECT OF THIS DOCUMENT~~Filing Instructions; Superseding Effect of this Document~~

~~This document should be filed as an Administrative Rule of Ottawa County.~~

This document supersedes previously published Ottawa County electronic health information security ~~protocol~~<sup>policy</sup> ~~documents,~~ to the extent of any inconsistency.

Please review current security procedures, instructions and practices in light of these ~~protocols~~<sup>policy</sup> ~~is policy statement.~~ Continue those practices that are consistent with these ~~protocols~~<sup>policy</sup>. Please inform the ~~Security~~<sup>Chief Privacy</sup> Officer immediately if you are aware of any currently used procedures, instructions or practices that may be inconsistent with these ~~protocols~~<sup>is policy</sup>.

#### 1.33. Authority for Policy; Responsibility for Policy Maintenance

~~This policy has been reviewed and approved by the Ottawa County Administrator as an Administrative Rule.~~

~~The Security Officer has responsibility for continuing development, maintenance, communication and interpretation of this policy.~~

#### 1.4 BASIS FOR SECURITY PROTOCOLS~~Sasis for Policies and Procedures~~





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~~1.5~~ These security ~~protocols~~~~olicies~~ are based on an assessment of risks to the confidentiality, availability, and integrity of protected health information maintained by Ottawa County. Security policies, and specific security procedures developed to implement those policies, are based on that risk assessment, and an analysis of the probability and criticality of identified risks, the costs of security measures, technical resources available, and other business needs.

## 3.1 MODIFICATION AND EXCEPTIONS

### ~~1.5~~ Modification and Exceptions

Information security is an evolving science. Over time, we can expect many changes in technology, security threats and countermeasures available to safeguard the confidentiality, availability and integrity of protected health information. It is likely that ~~th~~~~these protocols~~~~is~~ policy will be modified from time to time. Any modifications will be based on a re-assessment and analysis of security risks, as described in section 1.4 above.

Exceptions to ~~these protocols~~~~is~~ policy may be granted in unusual or special circumstances. Exceptions are only granted with the written approval of the Security/Chief Privacy Officer. Any exceptions will be documented in writing, with a copy retained for six (6) years.

## ~~2~~ Definitions

~~Terms used in this policy are defined in the Glossary, which is attached hereto and incorporated herein by reference.~~

## ~~4.3~~ SECURITY PROTOCOLS~~Security Policy~~

### ~~4.3.1~~ Information Security Policy Statement

Ottawa County will identify and evaluate the likelihood and consequences of threats to the security of protected health information and implement reasonable and appropriate measures to safeguard the c~~C~~onfidentiality, a~~A~~vailability, and i~~I~~ntegrity of that information.

Ottawa County will adopt and implement additional information security practices as needed to effect ~~these protocols~~~~is~~ policy.

To the extent necessary, the ~~protocols~~~~olicies~~ herein shall also be interpreted to cover “hard” or paper copies of protected health information.

### ~~4.3.2~~ Scope



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These ~~protocols.is policy~~ applies to all members of the ~~affected w~~Workforce, ~~having access to electronic health information.~~

All independent contractors who provide services that require access to the Computer Network will be required to adhere to this policy, as well to any Procedures established to support ~~these protocols.is policy.~~

## 43.3 Regulatory Compliance

Ottawa County will safeguard information in a manner consistent with applicable requirements of federal, state and local law and regulations, including the final rule governing the security of health information systems enacted by the Department of Health and Human Services as required by HIPAA.

## 5.4 ORGANIZATIONAL MANAGEMENT OF SECURITY PROGRAM~~Organizational Management of Security Program~~

### 54.1 Chief Privacy~~Security~~ Officer

By separate Resolution, the Ottawa County Board of Commissioners has designated a ~~Security~~Chief Privacy Officer for Ottawa County.

The Chief Privacy~~Security~~ Officer has overall responsibility for development and implementation of information security policies pertaining to electronically generated and stored protected health information and procedures for Ottawa County. The ~~Security~~Chief Privacy Officer will have access to the County Administrator and other members of management, and to the Board of Commissioners of Ottawa County as needed to enable the ~~Security~~Chief Privacy Officer to inform the governing body of the actions and funding required to establish a reasonable and appropriate compliance program.

With the agreement of the County Administrator, ~~the Chief Privacy~~the Security Officer may delegate responsibility to develop and implement particular ~~sSecurity p~~Procedures to another person or unit of Ottawa County. The Chief Privacy~~Security~~ Officer will oversee the work of that person or unit, which will provide information and assistance to the Chief Privacy~~Security~~ Officer as requested.

### 54.2 Implementation of Technical Security Measures

The Ottawa County Information Technology~~MIS~~ Department (“the ITMIS Department”) will work with and support the Chief Privacy~~Security~~ Officer in the development and implementation of ~~sSecurity P~~rocedures~~measures~~ required by ~~these protocols.is policy.~~

The ITMIS Department will report to the Chief Privacy~~Security~~ Officer periodically, and as requested, about the status of implementation of technical ~~sSecurity m~~ea~~surers~~Procedures. In addition, the ITMIS Department will report to the Chief Privacy~~Security~~ Officer in a timely



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manner about any difficulties it experiences implementing ~~Security protocols~~ ~~Policies and Procedures~~, possible security risks, Computer Network activity, and serious security incidents.

The ~~ITMIS~~ Department will oversee the deployment of a network topology and configuration that supports the requirements of this policy. It will maintain an inventory of all network resources (including but not limited to workstations, servers, routers and firewalls) to provide an accurate map of the Ottawa County infrastructure. This inventory will be used as the basis for current and future risk assessment and audits.

The ~~ITMIS~~ Department will develop and implement standard Security Procedures that document acceptable and secure configurations for all network devices including workstations, servers, routers, switches and firewalls. The ~~sSecurity pProcedures~~ will support the provisions of ~~these protocols is Policy~~ and reflect ~~bBest pPractices~~ for ~~iInformation sSecurity~~.

The ~~ITMIS~~ Department will provide ongoing support and maintenance of the information technology infrastructure in such a way as to support the requirements of this policy and related documents and will ensure that administrative and technical safeguards are not modified, disabled or circumvented without the written consent of the ~~Chief Privacy~~ ~~Security~~ Officer.

## 54.3 Responsibility of Users

All ~~uUsers~~ of the ~~cComputer nNetwork~~ and other information system resources provided by Ottawa County having access to protected health information are required to follow ~~these is sSecurity protocols~~ ~~Policy~~, and accompanying policies and procedures ~~es~~.

Users must immediately report any suspicious, unauthorized or malicious activity involving Ottawa County information technology infrastructure to the ~~ITMIS~~ Department.

Users must immediately report suspected network, hardware or software security vulnerabilities to the ~~ITMIS~~ Department. Users must not attempt to demonstrate or exploit suspected security vulnerabilities; only authorized security personnel can conduct this activity.

Users may not download, or use hardware or software security or “hacker” tools while connected to the Ottawa County network unless authorized to do so by the ~~IT Department~~ ~~Security Officer~~.

## 4.4 Business Associates

~~Ottawa County will enter into contracts with business associates, as required by the HIPAA Privacy and Security Rules.~~

## 4.5 Group Health Plan



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~~The organizational documents of any health benefit plan that is a “group health plan” as that term is used in HIPAA that is sponsored by Ottawa County for the benefit of its Workforce and their dependents will ensure the privacy and security of individually identifiable health information. Ottawa County will abide by provisions of group health plan documents that require Ottawa County to limit use and disclosure of protected health information and to safeguard electronic protected health information.~~

## ~~4.6~~ Documentation

~~Ottawa County will maintain copies of the following documents for a period of six (6) years from the date of a document or event recorded in a document:~~

- ~~▪ Security Policies~~
- ~~▪ Security Procedures~~
- ~~▪ Written Reports of Security Incidents~~
- ~~▪ Security Audit Reports~~
- ~~▪ Procedures for Granting Access Privileges~~
- ~~▪ Policies for Acceptable Use of Information Systems~~
- ~~▪ Sanctions against persons who violate Security Policies or Procedures~~
- ~~▪ Other documents required to be retained by HIPAA or other applicable regulations.~~

~~Copies of documents may be maintained in printed or electronic form. The Security Officer shall be responsible for maintaining this documentation.~~

## ~~5~~ Workforce Security

### ~~5.1~~ Job Descriptions

~~Security functions, if any, shall be included in job descriptions.~~

### ~~5.2~~ Performance Appraisals

~~Execution of security functions will be measured as a component of employee performance appraisals.~~

## ~~6.~~ WORKFORCE SECURITY

### ~~6.15.3~~ Personnel Screening Policy

~~Background checks and pre-employment validation of references will be conducted in accordance with the Policies of the Ottawa County Human Resource Department.~~

~~Ottawa County may, at its discretion, conduct additional background checks of any prospective or current member of the affected wWorkforce who will have ongoing administrator level access~~



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to the ~~c~~Computer ~~n~~Network, play a key role in safeguarding the ~~c~~Computer ~~n~~Network or ~~p~~Protected ~~h~~Health ~~i~~Information, or have ongoing access to ~~p~~Protected ~~h~~Health ~~i~~Information.

## 6.25.4 Terms and Conditions of Participation in the Workforce

The terms and conditions of employment will require adherence to ~~these security protocols~~ ~~Security Policy~~ and related ~~s~~Security ~~p~~Procedures or requirements.

Independent contractors and volunteers who ~~provide services to Ottawa County~~ ~~are participate in the Workforce~~ will be required to agree to abide by ~~these~~ ~~s~~Security ~~p~~Protocols ~~Policy~~, and by related ~~s~~Security ~~p~~Procedures or requirements that may be established by Ottawa County.

## 6.35.5 Clear Desk and Screen Policy

All members of the ~~affected w~~Workforce are required to remove ~~p~~Protected ~~h~~Health ~~i~~Information from their desks whenever their work area is unattended and unlocked.

All workstation screens must be clear of ~~p~~Protected ~~h~~Health ~~i~~Information when unattended to prevent inadvertent or deliberate viewing by unauthorized individuals.

Screensavers on all workstations will be configured to hide content on workstation screens after an idle period of fifteen (15) minutes. A password will be required to unlock the screen.

## 6.45.6 Security Awareness Training

All members of the ~~affected w~~Workforce having access to protected health information, will participate in a training program about the need to safeguard ~~p~~Protected ~~h~~Health ~~i~~Information and these ~~s~~Security ~~p~~Protocols ~~olicies~~.

The ~~Chief Privacy~~ ~~Security~~ Officer, working with ~~the IT Department~~ ~~the HIPAA Compliance Committee~~, will develop a security awareness program to remind the Workforce of these policies and Ottawa County procedures for safeguarding protected health information. Security reminders will be distributed to all members of the ~~affected w~~Workforce at reasonable intervals.

## 6.55.7 Technical Security Training

Personnel directly involved in the design, deployment, maintenance and security of the information technology infrastructure will be given security specific training to enable them to develop the expertise necessary to maintain that infrastructure in a manner consistent with the provisions of this policy and ~~b~~Best ~~p~~Practices for ~~i~~Information ~~s~~Security.

## 6.65.8 Verification of Authority



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Ottawa County employees will verify the identity and authority of all individuals requesting information about, or access to, the Ottawa County information technology infrastructure. Suspicious requests should be immediately reported to the ITMIS Department .

## 6.75-9 Sanctions for Non-Compliance

Members of the wWorkforce who knowingly violate ~~these~~ sSecurity pProtocols ~~or~~ related sSecurity pProcedures will be subject to sanction by Ottawa County. Employees will be subject to disciplinary action up to and including dismissal. Non-employees may be subject to termination of their business relationship with Ottawa County.

## 6.85-10 Termination of Access Privileges

The Human Resources Department will immediately notify the ITMIS Department when a member of the affected wWorkforce has been separated from service due to retirement, resignation, or termination. If supervisors have advance notice of a termination, they will immediately inform the IT MIS-Department of the effective date of termination.

When notified of a termination, the ITMIS Department will disable all the individual's access to the cComputer nNetwork.

## 7.6 RISK ASSESSMENT, ANALYSIS & MANAGEMENT—~~Risk Assessment, Analysis & Management~~

### 7.6.1 Risk Assessment

Ottawa County will conduct risk assessments to identify threats to the security of the cComputer nNetwork and the cConfidentiality, aAvailability, and integrity of its information. Risk assessments will be made periodically, to enable Ottawa County to make informed decisions about measures to be used to safeguard its cComputer nNetwork and protected hHealth information, based on accurate and current information.

Ottawa County decisions about the design, deployment, maintenance, administration and growth of the information technology infrastructure will be guided by its security risk assessments.

### 7.26-2 Risk Assessment & Analysis Procedure

The SecurityChief Privacy Officer will be responsible for developing and implementing a documented risk assessment procedure, taking into consideration existing models for risk assessment and best practices at the time of each assessment.

The Chief Privacy~~Security~~ Officer may~~will~~ solicit input from each department of Ottawa County having access to protected health information to ensure that the risk assessment identifies all



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critical information assets and resources, considers all existing and proposed technologies (and the life cycle of those technologies), and the security interests of the entire organization.

The Chief PrivacySecurity Officer may choose to establish a small representative work group of subject matter experts to advise the risk assessment and analysis process. Department heads and supervisors will cooperate ~~with the Security Officer~~ in this process.

The risk assessment will identify all key information assets, potential threats to those assets, and the likelihood and consequences of loss of confidentiality, integrity or availability of information. The Chief PrivacySecurity Officer and others involved in the risk assessment may recommend actions to be taken by Ottawa County to ensure that reasonable and appropriate measures are in place to safeguard pProtected hHealth iInformation.

Risk assessment will be an ongoing process. A full risk assessment and analysis will be conducted periodically, in accordance with a schedule established by the Chief PrivacySecurity Officer and approved by the IT MIS Director.

## 76.3 Data Classification

In the course of the conduct of risk assessment, the Chief PrivacySecurity Officer may assure that records are appropriately classified and safeguarded based upon the need for cConfidentiality, aAvailability and iIntegrity of the protected health information.

## 76.4 Risk Management

Ottawa County will utilize a comprehensive risk management program to protect the confidentiality, integrity and availability of ~~the protected electronic~~ health information. The components of that program may include physical and logical security mechanisms developed, implemented, maintained, and updated following a documented risk assessment process.

## 87 ACCESS CONTROL~~Access Control~~

### 87.1 Minimum Necessary Standard

Users will be granted privileges to access pProtected hHealth iInformation only to the extent necessary to enable uUsers to perform their work for Ottawa County. This principle applies to pProtected hHealth iInformation in both electronic and printed form.

Access privileges will be enforced by technical controls in the cComputer nNetwork to the extent feasible.

### 87.2 Unique User Identification





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All users, including administrators and vendors, will be assigned unique user IDs in order to produce a reliable audit trail. ~~Group or shared IDs are prohibited.~~

## 87.3 Remote Access

Remote access to the ~~c~~Computer ~~n~~Network will be granted only to those individuals with a legitimate business need for such access.

Remote access will only be allowed using computing devices approved for use by the ~~ITMIS~~ Department and configured according to procedures established by the ~~ITMIS~~ Department.

At the discretion of the ~~ITMIS~~ Department and the ~~Chief Privacy~~~~Security~~ Officer, Ottawa County may implement technical methods to safeguard against unauthorized remote access and interception of data.

Remote users may not establish multiple, simultaneous connections to the ~~c~~Computer ~~n~~Network, unless authorized by the ~~Chief Privacy~~~~Security~~ Officer.

## 87.4 Remote Access Request Procedure

All requests for remote access to the ~~c~~Computer ~~n~~Network must be submitted to the ~~ITMIS~~ Department. The appropriate supervisor of the person seeking remote access must approve the request.

All requests for remote access, and supervisor approval of requests, must be documented in written or electronic form. The ~~ITMIS~~ Department will retain copies of remote access requests.

Remote access rights will be granted based on the availability of system resources. Any dispute regarding a remote access request will be resolved by the ~~Chief Privacy~~~~Security~~ Officer.

## 87.5 User Access Privileges

Individual user access privileges may be modified from time to time, as users change assignments, departments and/or locations. The ~~ITMIS~~ Department will periodically review access privileges against user work assignments to verify the appropriateness of access rights granted to members of the ~~affected w~~Workforce. All access privileges found to exceed those commensurate with a user's current assignment will be suspended until the user's access privileges are validated by the appropriate supervisor.

## 9.8 APPROPRIATE USE OF COMPUTER NETWORKS — ~~Appropriate Use of Computer Networks~~

### 98.1 Business Purposes





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The ~~c~~Computer ~~n~~Network made available to ~~u~~Users is intended for use to support the business of Ottawa County and to help ~~u~~Users do their work.

The ~~c~~Computer ~~n~~Networks is to be used for business purposes only.

## 98.2 Adherence to Ottawa County Policies

~~Users may access the Internet from the Computer Network, for business purposes only.~~ Users will comply with the Computer Access by Non-Employees Policy, the Computer Software Privacy Policy, the Electronic Mail and Privacy Use Policy, the Internet Use Policy, and other Ottawa County policies pertaining to computer use.

## 10.9 NETWORK ARCHITECTURE~~Network Architecture~~

The ~~Ottawa County~~ ~~c~~Computer ~~n~~Network will be designed, implemented, maintained and secured in a manner consistent with ~~b~~Best ~~p~~Practices for ~~i~~Information ~~s~~Security and the policies of Ottawa County in order to safeguard ~~p~~Protected ~~h~~Health ~~i~~Information that is stored on or traverses the network.

### 109.1 Security Gateways

The ~~c~~Computer ~~n~~Network will be segregated and protected from all “open” networks including the Internet and extranets by appropriate gateways, firewalls and other security devices.

### 109.2 Architectural Reviews

The ~~ITMIS~~ Department will periodically review the network topology and identify vulnerabilities and areas of risk introduced by changes in topology, new technologies and then current information about security threats and available countermeasures.

### 109.3 Device Configuration

Network components, including routers, switches and firewalls, will be configured in a manner consistent with Best Practices for Information Security.

### 109.4 Wireless Networks

Wireless (802.11a, b, g, Bluetooth®, etc.) access to the Ottawa County information security infrastructure, or the addition of wireless Local Area Networks (LANs) are prohibited unless specifically approved by the ~~Chief Privacy~~~~Security~~ Officer.



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## 1140. SYSTEM SECURITY — ~~System Security~~

### 1140.1 Server Configuration

Servers will be configured, deployed, maintained and administered in a manner consistent with ~~bBest pPractices~~ for ~~iInformation sSecurity~~ and in accordance with guidelines established by the ~~ITMIS~~ Department.

### 110.2 System Administration Privileges

System administration privileges will be given only to those individuals with a verifiable and approved business need for such privilege levels.

System Administrators must be registered with the ~~ITMIS~~ Department.

### 110.3 Application Level Security

All applications deployed on the Ottawa County computer network shall be designed, deployed, configured, maintained and secured in a manner consistent with ~~bBest pPractices~~ for ~~iInformation sSecurity~~, the provisions of this policy and the requirements established by the ~~ITMIS~~ Department.

Application level security controls, including access lists and privilege levels, will be activated and updated as necessary.

### 110.4 Workstation Security

All workstations will be configured, deployed, maintained and secured in a manner consistent with ~~bBest pPractices~~ for ~~iInformation sSecurity~~ and in accordance with the provisions of this policy and the requirements established by the ~~ITMIS~~ Department.

All workstations will be configured to automatically lock after a period of inactivity of no more than fifteen (15) minutes. A ~~uUser~~ ID and password will be necessary to unlock timed-out workstations.

Workstation configurations will be locked by an administrator level password to prevent inadvertent or deliberate disabling of security settings.

Multiple Network Interface Cards (NICs) are prohibited to prevent simultaneous network connections, unless specifically authorized by the ~~Chief Privacy Security~~ Officer.

The use of dial-up modems and remote control software (pcAnywhere® Netop®, etc.) must be approved by the ~~Chief Privacy Security~~ Officer.



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## 110.5 Patch Management

Software patches to safeguard the security of operating systems, applications, servers, workstations and network devices will be kept current and continuously maintained.

The ITMIS Department will develop and implement a documented Patch Management Procedure.

Users will cooperate with the ITMIS Department in efforts to maintain patch levels of portable computers or other portable devices.

## 110.6 Malicious Software Control

All workstations and all appropriate servers will have current “malware” protection enabled to prevent infections by: computer worms, viruses, Trojan horses, “spyware” and other malicious software.

All incoming electronic mail will be filtered for the presence of malware, malicious executable files and other damaging content.

## 110.7 Audit Controls

The ITMIS Department will implement mechanisms to record and examine activity in the computer network, and to monitor access to protected hhealth information. Intrusion detection software will be installed to monitor attempts to access the computer network from outside. Audit logs will be reviewed regularly to identify possible security incidents.

The ITMIS Department will report any security incident to the Chief Privacy Security Officer. Any systematic attack on or compromise of the computer network will be reported immediately.

## 124 USER IDENTIFIERS AND PASSWORDS ~~User Identifiers and Passwords~~

### 124.1 Password Sharing

Passwords are confidential and must not be shared with others.

### 124.2 Initial Use of Password

All authorized users will be issued a temporary password. The first time a user logs into a system they will be prompted to change that password to something they select.

### 124.3 Password Policy



# County of Ottawa

Users will follow the ITMIS Department policy on the selection and use of passwords.

## 132. DATA BACK-UP~~Data Back-Up~~

### 132.1 Data Back-Up Procedure

The ITMIS Department will develop and implement a data back-up procedure and schedule for all critical Ottawa County systems.

### 132.2 Data Back-Up Frequency

Data will be backed-up and archived at sufficient intervals to ensure critical data can be restored and recovered.

### 132.3 Storage of Back-Up Media

Back-up media will be stored in a manner consistent that protects it from tampering, theft, fire and flood. Off-site storage of back-up media will be utilized whenever possible.

## 143. DISPOSAL OF HARDWARE AND ELECTRONIC MEDIA~~Disposal of Hardware and Electronic Media~~

### 143.1 Sanitizing Hard Disk Drives

The ITMIS Department will remove or sanitize all hard disk drives before any Ottawa County computer may be reissued, sold or discarded.

### 143.2 Storage of Retired Hard Disk Drives

Removed hard drives will be stored in a secured area until they can be sanitized or destroyed

### 143.3 Removable Media

All removable media including floppy disks, CDs, DVDs, cassettes and flash drives, that may contain pProtected hHealth Information must be destroyed or sanitized in a manner consistent with requirements established by the ITMIS Department before being discarded.

## 15. PHYSICAL SECURITY



# County of Ottawa

## 14 — Physical Security

Ottawa County recognizes the importance of reasonable and prudent physical security measures to protect the safety of our employees and to safeguard our information technology infrastructure.

### 154.1 Identification Badges

All members of the affected wWorkforce having access to secure access containing pProtected hHealth information will wear and display an identification badge issued by Ottawa County.

Anyone not displaying the required identification badge should be challenged.

### 154.2 Facility Access Controls

Access to all areas containing critical components of the Ottawa County information technology infrastructure will be restricted to those with a verifiable and approved business need to have such access.

### 154.3 Physical Security of Network Access Points

“Wiring closets” and other areas that can afford access to the Ottawa County information technology infrastructure via jacks, switches, hubs, routers or other components must be secured at all times.

### 154.4 Disabling Physical Security Safeguards

The disabling or circumvention of physical security measures is prohibited.

### 154.5 Computer Screen Positioning

Users will position computer screens in a manner that prevents accidental display of pProtected hHealth information to unauthorized individuals.

## 16. BUSINESS CONTINUITY PLANNING

### 15 — Business Continuity Planning

Ottawa County wishes to ensure that it will be able to continue its business and access its information without unacceptable delay in the event of an emergency or other occurrence (for example, fire, vandalism, system failure, and natural disaster) that damages its cComputer



# County of Ottawa

~~n~~Network. To that end, Ottawa County will establish and routinely test a documented business continuity and disaster recovery plan.

The ~~Chief Privacy~~~~Security~~ Officer will be responsible for developing the business continuity and disaster recovery plan.

The plan will:

- Establish procedures for emergency access to facilities;
- Identify applications and data that are critical to resumption of business operations;
- Identify sources for most recent backup copies of data;
- Identify “mirror” sites (if any) to be used to enable immediate resumption of business activities;
- In the absence of a “mirror” site, identify “hot” or “warm” sites that will provide computer resources required to enable resumption of business activities;
- Establish procedures to restore lost data;
- Establish procedures for operation of critical business processes pending full recovery from the emergency;
- Establish procedures to safeguard ~~Protected~~~~protected~~ ~~h~~Health ~~i~~nformation pending full recovery from the emergency.

The ~~Chief Privacy~~~~Security~~ Officer will review the Business Continuity and Disaster Recovery Plan periodically, test the procedures described in the plan, and revise the plan as needed.

## 1746. SECURITY INCIDENT REPORTING~~Security Incident Reporting~~

All ~~u~~Users share in the responsibility of protecting ~~p~~Protected ~~h~~Health ~~i~~nformation. Users must report any suspicious, unauthorized or malicious activity that might affect the security of the ~~c~~Computer ~~n~~Network or the confidentiality, availability or integrity of [~~P~~Protected ~~h~~Health ~~i~~nformation to the ~~I~~TMIS Department as soon as it is discovered.

### 176.1 Incident Response Procedure

The ~~I~~TMIS Department will develop a documented ~~i~~ncident ~~r~~esponse ~~p~~rocedure that is designed to identify and isolate suspicious activity and contain, and recover from, network damage resulting from any ~~s~~ecurity ~~i~~ncident.



# County of Ottawa

## 176.2 Computer Incident Response Team (CIRT)

The ITMIS Department will establish a Computer Incident Response Team (CIRT) to respond to major sSecurity iIncidents. The CIRT will have sufficient training to understand the basic principles of investigation of sSecurity iIncidents and preservation and management of forensic evidence.

## 18.7 INTERNAL AUDITS~~Internal Audits~~

### 187.1 Scope and Frequency

The SecurityChief Privacy Officer will conduct periodic audits of administrative, physical and technical safeguards of pProtected hHealth iInformation to ensure that those safeguards are adequate, consistent and enforced. The ITMIS Department will assist the SecurityChief Privacy Officer in the conduct of these audits.

The audits will be conducted with sufficient scope and frequency to provide a meaningful benchmark of compliance to this policy.

### 187.2 Audit Findings

The SecurityChief Privacy Officer will provide summaries of audit findings to the Ottawa County Administrator.

### 187.3 Cooperation with Internal Audits

All members of the affected wWorkforce, as well as vendors and consultants, are required to cooperate with security audits.

## 19. DESIGNATION OF IT DIRECTOR

For purposes of technical compliance, the IT Director may function in the capacity of the “Chief Privacy Officer” under these Security Protocols.

## **GLOSSARY**

The following definitions apply to terms used in these Security Protocols:~~is Security Policy.~~



# County of Ottawa

**Availability** means ensuring that information and vital services are accessible when required.

**Best Practices for Information Security** means commonly accepted and effective approaches to securing Computer Networks that are reasonable and appropriate for Ottawa County to implement, based on its security risk assessment, the likelihood and consequences of a breach of security, resources available, and cost.

**Computer Network** is the local and wide area networks, computers, communications devices, software systems, applications, electronic mail, and other systems operated by or on behalf of [Abbreviated Name] that are used to enable Ottawa County and Users to store, process, and use information in electronic form, and to facilitate communications among members of the Affected Workforce and to third parties. The Computer Network includes the Information Technology Infrastructure.

~~**Protected Health Information** means any Individually Identifiable Health Information that Ottawa County has a legal or ethical obligation to safeguard against unauthorized use or disclosure.~~

**Firewall** means a computing device that controls by protocol, source and destination the traffic between two networks or network segments.

**Gateway** means a computing device that separates a private network from an open network (like the Internet) and controls the type of electronic traffic that passes through it. May be a firewall, router or other device.

~~**HIPAA** refers to Title II of the Health Insurance Portability and Accountability Act of 1996 (Pub. Law 104-91) and implementing regulations issued by the Secretary of Health and Human Services found at 45 CFR Parts 160—164.~~

~~**Individually Identifiable Health Information** means information that identifies an individual as a recipient of physical or mental health services or services for the treatment of alcohol or chemical dependency; or relates to the past, present or future physical or mental health or condition of an individual, or the past, present or future payment for the provision of health care services to an individual.~~

**Information Technology Infrastructure** means the physical, logical and support components of a Computer Network including computers, software, databases, network devices, cabling, telephony systems, power supplies and environmental controls.

**Integrity** means safeguarding the accuracy and completeness of information and computer software and services.

**Policy** means a high-level and broad statement of goal, principle, intent, position, plan or course of action made to govern and guide the administration of operations and programs.





# County of Ottawa

**Procedure** means a specific set of administrative or technical instructions that provides the high level of detail required to implement and support a policy.

**Proprietary Information** means trade secrets and information about the business plans, finance, legal status, or operation of Ottawa County that is not in the public domain, access to, use, and disclosure of must be controlled by Ottawa County.

**Risk Assessment** means a formal process conducted to identify and quantify potential threats to an organization and the costs and benefits of developing methods of mitigating those threats.

**Security Incident** means an attempt that creates a substantial risk of or successful unauthorized access, use, disclosure, modification, or destruction of information or interference with system operations. This does not include trivial incidents that occur on a daily basis, such as scans, “pings”, or unsuccessful attempts to penetrate Computer Networks or servers.

**User** means a member of the Workforce of other person that accesses, utilizes, modifies or otherwise manipulates information stored on computers operated by or on behalf of [Abbreviated Name].

**Virtual Private Network (VPN)** means a remote connection method that facilitates secure connectivity to closed network by creating an encrypted path through an open network like the Internet.

**Affected Workforce** means directors, officers, employees, volunteers, trainees, and other persons (i) whose conduct, in the performance of work is under the control of Ottawa County and (ii) who have access to protected health information, in the course and scope of their duties.

~~###DATE APPROVED:~~

~~Administrator approval date: April 20, 2005~~ \_\_\_\_\_

~~Board of Commissioners notification date: April 20, 2005~~

# Action Request



**Committee:** Planning and Policy Committee

**Meeting Date:** 12/8/2011

**Requesting Department:** Administration

**Submitted By:** Keith Van Beek

**Agenda Item:** 16-Honorary Resolution Procedure (formerly named Recognition Program Procedure)

## SUGGESTED MOTION:

To approve and forward to the Board of Commissioners the following proposed policy for review and comment: 16-Honorary Resolution Procedure (formerly named Recognition Program Procedure).

## SUMMARY OF REQUEST:

County policies require periodic review and updates. This request is to review the County policies and forward them to the Board of Commissioners for a first and second reading before final approval.

## FINANCIAL INFORMATION:

Total Cost: \$0.00 | General Fund Cost: \$0.00 | Included in Budget:  Yes |  No

If not included in budget, recommended funding source:

## ACTION IS RELATED TO AN ACTIVITY WHICH IS:

Mandated |  Non-Mandated |  New Activity

## ACTION IS RELATED TO STRATEGIC PLAN:

Goal: 4: To Continually Improve the County's Organization and Services.

Objective: 1: Review and evaluate the organization, contracts, programs, systems, and services for potential efficiencies.

**ADMINISTRATION RECOMMENDATION:**  Recommended |  Not Recommended |  Without Recommendation

County Administrator:

Committee/Governing/Advisory Board Approval Date:



# County of Ottawa

## HONORARY RESOLUTION RECOGNITION PROGRAM PROCEDURE

### I. POLICY

This procedure should be followed whenever a member of the Ottawa County Board of Commissioners, a County elected official, or a department head wishes to have the Ottawa County Board of Commissioners adopt a resolution of acknowledgment, recognition, appreciation, or proclamation.

### II. STATUTORY REFERENCES

### III. COUNTY LEGISLATIVE OR HISTORICAL REFERENCES

Adopted: B/C 99-174 5-18-99

Last Review by Internal Policy Review Team:



# County of Ottawa

## IV. PROCEDURE

A. All requests will be made to the County Administrator or his/her designee. The County Administrator may either complete the request or submitted the request to the Planning and Policy Committee for approval.

B. The requestor shall supply sufficient information necessary to draft the resolution.

~~B.A Recognition Program Request Form in the form attached or Exhibit "A" must be completely filled out and include any supporting documentation.~~

C. Civil County Corporate Counsel will be responsible for drafting the resolutions.

D. Ottawa County employees will continue to be recognized through the existing recognition program.

## V. REVIEW PERIOD

The Internal Policy Review Team will review this Policy at least once every two years, and will make recommendations for changes to the Planning & Policy Committee.



# County of Ottawa

## RECOGNITION PROGRAM REQUEST FORM

DATE: \_\_\_\_\_

NOMINATING COMMISSIONER(S): \_\_\_\_\_

TYPE OF REQUEST:

~~w~~Resolution of Acknowledgment (commendation for community services performed by individual or organization);

~~w~~Resolution of Recognition (Given in celebration of an organization, festival or event);

~~w~~Resolution of Appreciation (Community wide appreciation of an individual or organization);

~~w~~Proclamation (of a day, week, month i.e. "Volunteerism Week", "Smoke-out Day").

~~Please complete the following information (If additional space is needed, please attach extra sheet to form):~~

~~1. Preferred date of recognition: \_\_\_\_\_~~

~~2. Name of individual or organization receiving recognition: \_\_\_\_\_~~

~~3. Background information: \_\_\_\_\_~~

~~4. Accomplishments of individual/organization/event: \_\_\_\_\_~~

~~5. Specific reason for recognition: \_\_\_\_\_~~

~~6. Proclamation title (i.e. "Volunteerism Week");~~

# Action Request



**Committee:** Planning and Policy Committee

**Meeting Date:** 12/8/2011

**Requesting Department:** Planning & Performance Improvement

**Submitted By:** Mark Knudsen

**Agenda Item:** Establishment of Endowed and Non-endowed Funds with the Holland/Zeeland Area Community Foundation

## SUGGESTED MOTION:

To approve and forward to the Board of Commissioners the establishment of endowed and non-endowed funds with the Holland/Zeeland Area Community Foundation for the Ottawa County Purchase of Development Rights (PDR) Program, and to authorize the County Administrator to sign the agreement on behalf of Ottawa County.

## SUMMARY OF REQUEST:

The PDR Program was established to protect farmland by acquiring the development rights of agricultural land from willing landowners. Per the County PDR Ordinance, no general fund dollars can be used for the Program. Therefore, the Agricultural Preservation Board plans to solicit private funding for the PDR Program.

To that end, the Ottawa County Agricultural Preservation Board is requesting approval to establish endowed and non-endowed funds with the Holland/Zeeland Area Community Foundation for the Ottawa County Purchase of Development Rights (PDR) Program.

The donations deposited in the Endowed Fund are invested by the Foundation in order to earn interest. Up to 4% of the interest earned (up to 4%) by the Fund can be expended for the Program, but the principal amount (the amount donated) must remain in the Fund. If no interest is earned by the Endowed Fund in any given year, then an amount will be calculated by the Foundation which can be expended.

The donations deposited in the Non-Endowed Fund are also invested by the Foundation. However, unlike the Endowed Fund, all funding in the Non-Endowed Fund can be expended for the Program in any given year.

The Endowed Fund will be used to provide a salary for a contractual Program Coordinator position for the PDR Program. The non-endowed funding will be used for the purchase of development rights, land appraisals, program marketing and/or advertising, and other activities related to the PDR Program.

The Foundation will accept private donations on behalf of the County PDR Program, and invest and manage these funds at no cost to the County. Any administrative costs incurred by the Foundation will be taken directly out of the Funds. This typically amounts to approximately 1% of the fund balance per year.

All disbursements of funds made from the Foundation will require approval from the Ottawa County Board of Commissioners.

## FINANCIAL INFORMATION:

Total Cost: \$0.00      General Fund Cost: \$0.00      Included in Budget:     Yes     No

If not included in budget, recommended funding source:

### ACTION IS RELATED TO AN ACTIVITY WHICH IS:

Mandated       Non-Mandated       New Activity

### ACTION IS RELATED TO STRATEGIC PLAN:

Goal: 3: To Contribute to a Healthy Physical, Economic, & Community Environment.3

Objective: 3: Continue initiatives to preserve the physical environment.

**ADMINISTRATION RECOMMENDATION:**     Recommended     Not Recommended     Without Recommendation

County Administrator:

Committee/Governing/Advisory Board Approval Date:



**FISCAL SPONSORSHIP GRANT AGREEMENT**  
BETWEEN THE COMMUNITY FOUNDATION OF THE HOLLAND/ZEELAND AREA  
AND  
COUNTY OF OTTAWA

On November 18, 2010, The Community Foundation of the Holland/Zeeland Area (“Grantor”) decided that financial support of the project, as described in the fiscal sponsorship application, aligns with the Grantor's tax-exempt, charitable purpose. Therefore, Grantor has created a restricted fund designated for such project, and has decided to grant all amounts that it may deposit to that fund, less any administrative charge as set forth below, to The County of Ottawa (“Grantee”), subject to the following terms and conditions:

1. Grantee shall provide Grantor with documentation satisfactory to Grantor showing Grantee's separate existence as an organization.
2. Grantee shall use the grant solely for the project described in the Fiscal Sponsorship Application, and Grantee shall repay to Grantor any portion of the amount granted which is not used for that project. Any changes in the purposes for which grant funds are spent must be approved in writing by Grantor before implementation. The Grantor retains the right to withhold, withdraw, or demand immediate return of grant funds, and to spend such funds so as to accomplish the purposes of the project as nearly as possible within Grantor's sole judgment, in the event Grantee breaches this Agreement, Grantee's conduct of the project is ineffective or performance requirements (as either initially determined or subsequently modified by Grantor in its sole discretion) are otherwise not met in Grantor's sole determination, or the project in any way jeopardizes Grantor's legal or tax status.
3. Grantee may solicit gifts, contributions and grants to Grantor, earmarked for Grantor's restricted fund for this project. Grantee's choice of funding sources to be approached and the text of Grantee's fundraising materials are subject to Grantor's prior written approval. All grant agreements, pledges, or other commitments with funding sources to support this project via Grantor's restricted fund shall be executed by Grantor. The cost of any reports or other compliance measures required by such funding sources shall be borne by Grantee.
4. An administrative charge of one and one-half percent (1.5%) shall be applied and assessed quarterly to the restricted fund according to the administrative fee schedule established by the Foundation, subject to change from time to time. This fee shall be deducted by Grantor to defray Grantor's costs of administering the restricted fund and this grant. In addition, any other costs associated with accepting or processing the gifts, (e.g. credit card fees or commissions on stock sales and the like) will also be deducted direct from the fund.

5. Nothing in this Agreement shall constitute the naming of Grantee as an agent or legal representative of Grantor for any purpose whatsoever except as specifically and to the extent set forth herein. This Agreement shall not be deemed to create any relationship of agency, partnership, or joint venture between the parties hereto, and Grantee shall make no such representation to anyone.
6. Grantee shall submit a full and complete written report to Grantor as of the end of Grantee's annual accounting period within which any portion of this grant is received or spent. Grantee shall also submit additional reports at times determined by Grantor in its sole discretion. The initial report shall be submitted by Grantee no later than December 31, 2011, and subsequent reports, if any, shall be due on the anniversary date of the initial report. The reports shall describe the charitable programs conducted by the Grantee with the aid of this grant and the expenditures made with grant funds, and shall report on the Grantee's compliance with the terms of this grant and its progress towards accomplishing the purpose of the grant, along with any other information and supporting documents as requested by Grantor.
7. This grant is not to be used in any attempt to influence legislation within the meaning of Internal Revenue Code (IRC) Section 501(c)(3). No agreement, oral or written, to that effect has been made between Grantor and Grantee.
8. Grantee shall not use any portion of the funds granted herein to participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office, to induce or encourage violations of law or public policy, to cause any private inurement or improper private benefit to occur, nor to take any other action inconsistent with IRC Section 501(c)(3).
9. Grantee shall notify Grantor immediately of any change in (a) Grantee's legal or tax status, and (b) Grantee's executive or key staff responsible for achieving the grant purposes.
10. Grantee hereby irrevocably and unconditionally agrees, to the fullest extent permitted by law, to defend, indemnify and hold harmless Grantor, its officers, directors, trustees, employees and agents, from and against any and all claims, liabilities, losses and expenses (including reasonable attorneys' fees) directly, indirectly, wholly or partially arising from or in connection with any act or omission of Grantee, its employees or agents, in applying for or accepting the grant, in expending or applying the funds furnished pursuant to the grant or in carrying out the program or project to be funded or financed by the grant, except to the extent that such claims, liabilities, losses or expenses arise from or in connection with any act or omission of Grantor, its officers, directors, trustees, employees or agents. Furthermore, the Grantor may require the Grantee to obtain liability insurance policies in amounts and types of coverage as determined by the Grantor.
11. Unless otherwise negotiated, any tangible or intangible property, including copyrights, obtained or created by Grantee as part of this project shall remain the property of Grantee. However, if the property was created in any way with the use of Grantor's staff or Grantor's resources, all such property shall belong to Grantor and Grantee shall cooperate to take all necessary acts to secure ownership in that property to Grantor.



12. In the unlikely event that a dispute between the parties arises under or in connection with any aspect of its relationship, this Agreement or its performance, including any dispute regarding the validity or enforceability of this Agreement or any portion of this Agreement, such dispute can be resolved only through binding arbitration pursuant to the terms of this arbitration provision. Within one hundred eighty (180) days of the event or occurrence that gives rise to the dispute, either party may file a demand for arbitration with the American Arbitration Association (“AAA”). Such arbitration shall be conducted in accordance with the AAA’s Commercial Arbitration Rules (except as modified herein) and shall take place in either Grand Rapids or Holland, Michigan. The determination of the arbitrator shall be binding upon all parties. All expenses, costs, administrative filing fees, and arbitrator’s fees shall be shared equally by the parties. The parties further agree that they will comply with the terms of this arbitration provision and any award rendered by the arbitrator, and that a judgment of a court having jurisdiction may be entered upon the award. Notwithstanding anything herein to the contrary, this arbitration requirement shall not preclude the right of Grantor to proceed with a filing in a court of appropriate jurisdiction to obtain immediate injunctive relief.
  
13. Grantee represents that its Application For Fiscal Sponsorship and any documents or other information furnished to Grantor, whether in writing or verbally, was provided for the purposes of inducing the Grantee to act as a fiscal sponsor on behalf of Grantee. Grantee agrees, represents and warrants that all of this information it provided was accurate and complete, that no information was omitted that would make those prior representations not misleading, and that the information provided was reasonably relied upon by Grantor.
  
14. This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan applicable to agreements made and to be performed entirely within such State.
  
15. This Agreement shall supersede any prior oral or written understandings or communications between the parties and constitutes the entire agreement of the parties with respect to the subject matter hereof. This Agreement may not be amended or modified, except in a writing signed by both parties hereto.

IN WITNESS WHEREOF, the parties have executed this Grant Agreement effective on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

The Community Foundation of the Holland/Zeeland Area, Grantor

By: \_\_\_\_\_ Dated: \_\_\_\_\_

Janet DeYoung

Its: Executive Director

County of Ottawa, Grantee

By: \_\_\_\_\_ Dated: \_\_\_\_\_

Al Vandenberg

Its: County Administrator

# Action Request



**Committee:** Planning and Policy Committee

**Meeting Date:** 12/8/2011

**Requesting Department:** Planning & Performance Improvement

**Submitted By:** Mark Knudsen

**Agenda Item:** Establishment of a Non-endowed Fund with the Coopersville Area Community Foundation

## SUGGESTED MOTION:

To approve and forward to the Board of Commissioners the establishment of a non-endowed fund with the Coopersville Area Community Foundation for the Ottawa County Purchase of Development Rights (PDR) Program, and to authorize the County Administrator to sign the agreement on behalf of Ottawa County.

## SUMMARY OF REQUEST:

The PDR Program was established to protect farmland by acquiring the development rights of agricultural land from willing landowners. Per the County PDR Ordinance, no general fund dollars can be used for the Program. Therefore, the Agricultural Preservation Board plans to solicit private funding for the PDR Program.

To that end, the Ottawa County Agricultural Preservation Board is requesting approval to establish a non-endowed fund with the Coopersville Area Community Foundation for the Ottawa County Purchase of Development Rights (PDR) Program.

The donations deposited in the Non-Endowed fund are invested by the Foundation. All funding in the Non-Endowed Fund can be expended for the Program in any given year. The funding will be used for the purchase of development rights, land appraisals, program marketing and/or advertising, and other activities related to the PDR Program.

The Foundation will accept private donations on behalf of the County PDR Program, and invest and manage these funds at no cost to the County. Any administrative costs incurred by the Foundation will be taken directly out of the Fund. This typically amounts to approximately 1% of the fund balance per year.

All disbursements of funds made from the Foundation will require approval from the Ottawa County Board of Commissioners.

## FINANCIAL INFORMATION:

Total Cost: \$0.00      General Fund Cost: \$0.00      Included in Budget:     Yes     No

If not included in budget, recommended funding source:

## ACTION IS RELATED TO AN ACTIVITY WHICH IS:

Mandated       Non-Mandated       New Activity

## ACTION IS RELATED TO STRATEGIC PLAN:

Goal: 3: To Contribute to a Healthy Physical, Economic, & Community Environment.

Objective: 3: Continue initiatives to preserve the physical environment.

**ADMINISTRATION RECOMMENDATION:**     Recommended     Not Recommended     Without Recommendation

County Administrator:

Committee/Governing/Advisory Board Approval Date:

# Coopersville Area

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## community foundation<sup>SM</sup>

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### ORGANIZATION NON-ENDOWED FUND AGREEMENT

This is an **Organization Non-Endowed Fund Agreement** effective as of this \_\_\_th day of \_\_\_\_\_, 201\_. The parties to this Agreement are as follows:

<u>Name</u>	<u>Address</u>	<u>Designation</u>
County of Ottawa	12220 Fillmore Street West Olive, MI 49460	“Organization”
Coopersville Area Community Foundation, an affiliate of the Grand Haven Area Community Foundation, a Michigan Nonprofit Corporation	One South Harbor Drive Grand Haven, MI 49417	“Foundation”

#### Statement of Background Information

- A. The Organization, in furtherance of its purposes and functions, has determined that it would serve its best interests to create an organization non-endowed fund (the “Fund”) within the Coopersville Area Community Foundation. The Fund name shall be the **Ottawa County Farmland Preservation Fund of Coopersville** and will be used in referring to the Fund in all Foundation documents and publications.
- B. The Foundation is a nonprofit Michigan corporation exempt from Federal income tax pursuant to Section 501 (c) (3) of the Internal Revenue Code, to which contributions are deductible pursuant to Section 170 (b) (1) (a) of the Internal Revenue Code, and is not a private foundation pursuant to Section 509 (a) of the Internal Revenue Code, and is an appropriate entity within which to establish the Fund to serve the needs and interests, and to promote the well-being, of the people of the geographic area which the Foundation serves.
- C. The Foundation is willing and able to create the Fund, subject to the terms and conditions of this Agreement, and Organization desires to transfer certain assets to the Foundation and Foundation agrees to accept, administer, and distribute such assets, in accordance with the terms and provisions of this Agreement.

- D. Foundation and Organization desire to reduce their agreement to writing.

Section One  
Transfer of Assets

- 1.01 The initial contribution to the Fund is or will be \$\_\_\_\_\_. Additional contributions to the Fund can be made by the Organization or any other donor. All non-cash contributions to the Fund must first be accepted by the Foundation.

Section Two  
Purpose and Use of the Fund

- 2.01 Distributions from the Fund shall be made to the Organization at the request of the Organization's Chief Administrator, or his/her designee, to be used exclusively by the Organization to **protect farmland by purchasing the development rights from willing landowners thereby creating an agricultural easement on the property resulting in an increased economic base for agriculturally related businesses and preserving the rural character, heritage and beauty in Ottawa County.**
- 2.02 The Board of the Foundation shall have the power to modify the purpose and use of the Fund as set forth in Section 2.01 if, in the sole judgment of the Board, the purpose and/or use of the Fund is unnecessary, incapable of fulfillment, or inconsistent with the charitable needs of Ottawa County or the Western Michigan area. This modification power may also be exercised if the distribution of the Fund as provided in Section 2.01 is contrary to the provisions of the Internal Revenue Code and its regulations which apply to the Foundation, or could possibly place in jeopardy the Foundation's status of 501 (c) (3) tax exempt/charitable under the Internal Revenue Code.

Section Three  
Distribution of the Fund

- 3.01 As this Fund is non-endowed, distributions as provided in this Agreement may be made from both net investment return and Fund principal.

Section Four  
Fees

- 4.01 The Foundation will charge to the Fund quarterly and pay from the Fund assets its standard fee, established by the Foundation Board from time to time, for the investment and administration of non-endowed charitable organization funds. The fee for such funds at the time of fund establishment is 1.5% annually.

Section Five  
Duration of Fund

- 5.01 It is intended that the Fund hereby established shall be continued as long as the need therefore exists and money and/or other property are available in the Fund for its purposes. However, the Fund shall terminate on the happening of any of the following:
- A. If for any reason the Foundation dissolves, ceases to exist, or ceases to administer the Fund or otherwise to function under this Agreement.
  - B. This Agreement is revoked by either party on written notice to the other party.
- 5.02 In the event this Agreement terminates, the net assets of the Fund shall be delivered to the Organization or an entity designated by the Organization, provided that the Organization or designated entity receiving the distribution shall at that time qualify as exempt from taxation under Section 501 (c) (3) of the Internal Revenue Code and as other than a private foundation under Section 509 (a) of the Internal Revenue Code.
- 5.03 In the event that the Organization ceases to exist, the Foundation Board shall distribute the Fund to an entity that fulfills functions similar to the Organization and which meet the criteria provided in Section 2.01.

Section Six  
Ownership of Assets

- 6.01 Subject to the provisions of this Agreement for termination and distribution of income, it is acknowledged that the assets of this Fund are the separate property of the Foundation owned by it in its normal corporate capacity. Separate accounting for this Fund shall be maintained to the extent necessary to determine the net income of this Fund provided that the assets of the Fund may be commingled and invested with the other assets of the Foundation.

Section Seven  
Governing Law

- 7.01 This Agreement shall be governed and construed in accordance with the laws of the State of Michigan.

Section Eight  
Amendments

8.01 This Agreement may be amended by a writing signed by both the Organization and the Foundation. Such alterations or additions shall be adhered to and have the same effect as if originally contained herein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above mentioned.

Ottawa County:

By \_\_\_\_\_

Al Vandenberg,  
Ottawa County Administrator

For the Coopersville Area Community  
Foundation and affiliate of the Grand  
Haven Area Community  
Foundation, a Michigan Nonprofit  
Corporation:

By \_\_\_\_\_

Ann L. Tabor, President



# County of Ottawa

## Administrator's Office

**Alan G. Vanderberg**  
*County Administrator*  
12220 Fillmore Street, Room 331,  
West Olive, Michigan 49460  
(616) 738-4068  
e-mail: avanderberg@miottawa.org

**DATE:** December 8, 2011  
**TO:** Planning and Policy Committee  
**FROM:** Al Vanderberg  
**SUBJECT:** Policies Reviewed

The Internal Policy Review Team (Administrator, Assistant Administrator, Corporate Counsel, HR Director, IT Director and Fiscal Services Director) meets on a regular basis to review and update policies and administrative rules. Per board policy, each policy/rule is scheduled to be reviewed every two years and is submitted to the Board of Commissioners for approval when a policy update is recommended. Procedures and updates to procedures are approved by the County Administrator. Per the normal schedule of review by the Internal Policy Review Team the following policies have been reviewed and no policy changes are recommended. Policies that have received a procedural change have been attached for your information. If you have questions please contact me otherwise these polices will be forwarded to the entire Board via email as information.

### Reviewed with Procedural Revisions

#### **County Policies**

- 01 Administrative Rules
- 02 Administrators Evaluation
- 03 Appointments to Boards and Commissions
- 04 Board Policies
- 05 Closure of County Buildings and Facilities
- 07 Conduct of Public Meetings
- 09 Enhances Access to Public Records and Fees
- 10 Freedom of Information Act
- 13 Identity Theft Prevention Program Policy
- 14 Legal Opinions
- 15 Privacy of Social Security
- 17 Use of the County Logo

#### **Fiscal Policy**

- 03 Automatic Clearing House & Electronic Transactions Policy

### Reviewed and no changes

#### **County Policies**

- 06 Code of Ethics
- 08 Contracting Policy (Already complete)



# County of Ottawa

## ADMINISTRATIVE RULES

### I. POLICY

The Board of Commissioners supports the ability of the County Administrator to address the ongoing operational needs of Ottawa County government. The Board believes that the County Administrator, within the provisions of Michigan law and under the policy direction of the Board, should establish rules to facilitate the administration of county operations and programs.

### II. STATUTORY REFERENCES

The Board of Commissioners may establish such rules and regulations regarding the business concerns of the County as the Board considers necessary and proper. See: MCL 46.11(m); Act 156 of the Public Acts of 1851, as amended. The Board may hire a County Administrator, and confer authority on the County Administrator to manage the day-to-day operations of County government. See: MCL 45.82 et seq., 1980 OAG No. 5816.

### III. COUNTY LEGISLATIVE OR HISTORICAL REFERENCES

The original Board policy on this subject matter was adopted on March 26, 2002.

Name and Date of Committee Review: Planning and Policy Committee; March 9, 2005 (PP 05-017)

Board of Commissioners Review Date and Resolution Number: March 22, 2005 (B/C 05-073)

Board of Commissioners Policy Adoption Date and Resolution Number: May 9, 2006 (B/C 06-139)

Related Policies: None

Last Review by Internal Policy Review Team:





# County of Ottawa

## IV. PROCEDURE

- A. Administrative Rules shall be in writing. For purposes of this policy, the term "in writing" shall include all forms of electronic writing and transfer regularly used in Ottawa County government. Copies of all Administrative Rules shall be maintained in the office of the Ottawa County Administrator and published on the employee intranet system.
- B. Once developed, the proposed Administrative Rules shall be forwarded to the Planning and Policy Committee and placed on its next agenda as an information item. ~~Copies of the proposed Rules shall also be sent to affected departments and all members of the Board of Commissioners at this time.~~ After receipt, the Planning and Policy Committee may accept the Administrative Rules as written or direct that the proposed Rules be placed as an action item on the following month's agenda for formal review and comment. Employees will be notified by email when either a new Administrative Rule is developed or a change is made to an existing Rule.
- C. Exceptions: The County Administrator may promulgate emergency rules, regulations and directives as authorized under the Ottawa County Emergency Operations Plan.
- D. Implementation Authority: Upon adoption of this Policy, the Board of Commissioners authorizes the County Administrator to establish any procedures that may be necessary for implementation.

## V. REVIEW PERIOD

The Internal Policy Review Team will review this Policy at least once every two years, and will make recommendations for changes to the Planning & Policy Committee.



# County of Ottawa

## ADMINISTRATOR'S EVALUATION POLICY

### I. POLICY

This policy is established to assure an evaluation of the County Administrator is completed in a timely and regular manner.

### II. STATUTORY REFERENCES

The Board of Commissioners may establish such rules and regulations regarding the business concerns of the County as the Board considers necessary and proper. See: MCL 46.11(m); Act 156 of 1851, as amended.

### III. COUNTY LEGISLATIVE OR HISTORICAL REFERENCES

The original Board Policy on this subject matter was adopted in May 1999.

Board of Commissioners Policy Adoption Date and Resolution Number: April 27, 2010 B/C 10-092

Board of Commissioners Review Date and Resolution Number: April 13, 2010 B/C 10-087

Last Review by Internal Policy Review Team:



# County of Ottawa

## IV. PROCEDURE

- A. Human Resources will provide to each Commissioner a copy of the Administrator's Evaluation Form (see attached exhibit A) by ~~October 4~~ November 15 of each year.
- B. Each Commissioner should complete and return the Evaluation Form to the Board Chairperson by ~~November~~ November 30 of each year.
- C. The Board Chairperson shall appoint a three (3) person committee consisting of the Board Chair, Vice Chair, and Finance and Administration Committee Chair at the second Board Meeting in ~~October~~ November. ~~The Committee shall be approved by the Board of Commissioners.~~
- D. The Committee shall review the completed Board members' evaluation of the Administrator by ~~November 15~~ December 7, and personally meet with the Administrator by December ~~4~~ 14. The Committee will give an oral and written evaluation of the Administrator's past years performance, and during this meeting the Administrator shall submit his/her goals and objectives for the upcoming year.
- E. The Evaluation Committee shall submit a written report to the full Board of Commissioners by December ~~15~~ 31.
- F. The Evaluation Form shall be reviewed by December ~~30~~ 31 in every even numbered calendar year by the Evaluation Committee. Any changes to the Evaluation Form recommended by the Evaluation Committee and/or the Administrator shall be referred to the Planning and Policy Committee for consideration no later than the next February meeting of the Committee.

## V. REVIEW PERIOD

The Internal Policy Review Team will review this Policy at least once every two years, and will make recommendations for changes to the Planning & Policy Committee.



# County of Ottawa

## APPOINTMENTS TO BOARDS AND COMMISSIONS

### I. POLICY

The Ottawa County Board of Commissioners will review all applications for positions on boards and commissions, the membership of which is appointed by the Board. If possible, the membership of all boards and commissions shall be determined prior to the expiration of the term.

### II. STATUTORY REFERENCES

The Board of Commissioners has constitutional and statutory responsibility for making appointments to a variety of boards and commissions. The Board of Commissioners may establish such rules and regulations regarding the business concerns of the County as the Board considers necessary and proper. See MCL 46.11(m); Act 156 of the Public Acts of 1851, as amended.

### III. COUNTY LEGISLATIVE OR HISTORICAL REFERENCES

Board of Commissioners Policy Adoption Date and Resolution Number: June 8, 1999, January 10, 2006 (BC 06-010) and November 14, 2006, (BC 06-296)

Board of Commissioners Review Date and Resolution Number: October 11, 2005 (BC 05-276) and November 14, 2006 (BC 06-296)

Name and Date of Last Committee Review: Planning & Policy - September 14, 2005 (PP 05-074), Planning & Policy - December 14, 2005 (PP 05-098) and Personnel Committee - October 16, 2006 (06-053)

Last Review by Internal Policy Review Team:



# County of Ottawa

## IV. PROCEDURE

- A. Notice of Open Positions: A list of all open positions shall be maintained by the County Clerk and listed on the County website. The list of open positions will expand to include all appointments that expire four months prior to the expiration of the term (i.e., September 1 for terms expiring January 1). A notice will be posted and advertised not less than quarterly, stating that open positions and applications can be found on the website or picked up at the County Clerk's Office. The website shall also provide general information (if known) regarding the normal meeting times of the board or commission in order that prospective appointees may assess their ability to serve.
- B. Application Process: All applications will be maintained by the County Clerk and kept active for one year from the date of submittal. An application can be used to apply for more than one board or commission. The application is ~~included as Exhibit "A"~~ [available online at www.miottawa.org](http://www.miottawa.org).
- C. Committee Review and Board Action: The Board of Commissioners assigns the task of reviewing the applications to the Human Resources Committee, which has established a subcommittee to review and interview applicants and make recommendations on appointments. The names of all applicants and Committee recommendations, if any, shall be submitted to the Board of Commissioners, which shall make appointments prior to the expiration of the term.
- D. Term Limits: Citizen appointees on boards and commissions shall be limited to twelve consecutive years. Reappointment of a citizen to a board or commission is permissible after spending a minimum of two years off the applicable board or commission. The Board of Commissioners may, by a 2/3 majority vote, override this term limit provision.
- E. Residency: It is the general expectation of the Ottawa County Board of Commissioners that, unless otherwise provided for by law, all appointees will be legal residents and full-time residents-in-fact of the County of Ottawa. On an annual basis, appointees are expected to be physically present as residents-in-fact within Ottawa County not less than nine and a half (9 1/2) months per year.
- F. Attendance: Subsequent to selection, all appointees are expected to maintain at least a seventy-five (75%) attendance record at meetings, and to not miss more than three (3) consecutive meetings without acceptable reasons. An appointee may be removed by the Board of Commissioners for failure to meet this expectation.
- G. Variances in Application Policy: The timeliness and procedural requirements set forth in this policy may be varied by the Ottawa County Board of Commissioners to fill unexpected vacancies, to fill new positions created by law or by the Board of Commissioners, or to assure that appointments are made on a timely basis.



# County of Ottawa

H. Implementation Authority: Upon adoption of this Policy, the Board of Commissioners authorizes the County Administrator to establish any procedures that may be necessary for implementation.

## I. REVIEW PERIOD

The Internal Policy Review Team will review this Policy at least once every two years, and will make recommendations for changes to the Planning & Policy Committee.



# County of Ottawa

EXHIBIT "A"  
APPLICATION FOR POSITION ON A BOARD  
COMMISSION, OR ADVISORY BODY APPOINTED  
BY THE OTTAWA COUNTY BOARD OF COMMISSIONERS

Date \_\_\_\_\_

Position Applying for  
\_\_\_\_\_

Position Applying for  
\_\_\_\_\_

Position Applying for  
\_\_\_\_\_

Name

\_\_\_\_\_  
(First) (Middle) (Last)

Address  
\_\_\_\_\_

City \_\_\_\_\_ ST \_\_\_\_\_  
Zip \_\_\_\_\_

Last 4 digits of social security number \_\_\_\_\_ Birth Day (MM/DD) \_\_\_\_ / \_\_\_\_

**Contact Information:**

E-mail \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_

Alternate Phone (\_\_\_\_) \_\_\_\_\_ Fax Number (\_\_\_\_) \_\_\_\_\_

**Education:**

School \_\_\_\_\_ School  
\_\_\_\_\_

Degree \_\_\_\_\_ Degree  
\_\_\_\_\_

**Employment Background :**

Current Employer \_\_\_\_\_  
Position \_\_\_\_\_



# County of Ottawa

Responsibilities \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Previous Employer \_\_\_\_\_  
Position \_\_\_\_\_

Responsibilities \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Length of Residency in Ottawa County \_\_\_\_\_ years

Does the County of Ottawa or any other unit of government employ any members of your immediate family? If so, describe:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What is your past experience in serving on governmental boards, or the boards of civic and other similar organizations?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Ottawa County Appointment Policy sets a minimum expectation of 75% attendance for all members of boards and commissions appointed by the Ottawa County Board of Commissioners. If appointed, will you be able to comply with the terms of the Policy with regard to attendance? A copy of that Policy is attached.

If not, why not?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Why do you want to be considered for this appointment?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





# County of Ottawa

**Do you desire to have your name kept on file up to one year in the office of the County Clerk?**

\_\_\_\_\_ **Yes**      \_\_\_\_\_ **No**

**If yes, please check the Boards, Commissions or Advisory Bodies you are interested in:**

- |  |   |
|--|---|
| _____ Agricultural Preservation Board                          | _____ Lakeshore Coordinating Council Board                        |
| _____ Appeals Board for Sanitary Code                          | _____ Land Bank Authority   |
| _____ Board of Canvassers                                      | _____ Officers Compensation Commission                            |
| _____ Boundary Commission                                      | _____ Ottawa County Central Dispatch Authority Policy Board       |
| _____ Brownfield Redevelopment Auth. Board                     | _____ Ottawa County Central Dispatch Technical Advisory Committee |
| _____ Building Authority                                       | _____ Ottawa County Housing Commission                            |
| _____ Community Action Agency Advisory Board                   | _____ Parks and Recreation Commission                             |
| _____ Community Corrections Advisory Board                     | _____ Planning Commission   |
| _____ Community Mental Health Board                            | _____ Plat Board  |
| _____ Concealed Weapons Licensing Board                        | _____ Remonumentation Committee                                   |
| _____ Department of Human Services Board                       | _____ Road Commission   |
| _____ Drain Board  | _____ Tax Allocation Board  |
| _____ Economic Development Corporation                         | _____ Technology Committee  |
| _____ Insurance Authority                                      | _____ Veteran's Affairs   |
| _____ Jury Board   | _____ Workforce Development Board                                 |
| _____ Kent, Ottawa, Muskegon (K.O.M.) Foreign Trade Zone Auth. |   |
| _____ Lakeshore Coord. Council Advisory Comm.                  |   |

Other

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**Return To:  
Ottawa County Clerk's Office  
12220 Fillmore Street, Room 130  
P.O. Box 296  
West Olive, MI 49460  
(616) 994-4533 or (616) 846-8107  
Fax (616) 994-4538**

**Thank you for your interest in Ottawa County Government**



# County of Ottawa

## BOARD POLICIES

### I. POLICY

It is important for the Board of Commissioners to establish clear policy statements, and to set forth the principles under which the policy statements will be carried out by the County Board, County Administrator, and by County employees.

### II. STATUTORY REFERENCES

The Board of Commissioners may establish such rules and regulations regarding the business concerns of the County as the Board considers necessary and proper. See: MCL 46.11(m); Act 156 of the Public Acts of 1851, as amended.

### III. COUNTY LEGISLATIVE OR HISTORICAL REFERENCES

The original Board policy on this subject matter was adopted on March 26, 2002.

Name and Date of Committee Review: Planning & Policy; August 10, 2005 (PP 05-067)

Board of Commissioners Review Date and Resolution Number: August 23, 2005 (B/C 05-219)

Board of Commissioners Policy Adoption Date and Resolution Number: September 13, 2005 (B/C 05-228)

Related Policies: None

Last Review by Internal Policy Review Team:



# County of Ottawa

## IV. PROCEDURE

A. Board Policies shall be in writing. For purposes of this policy, the term "in writing" shall include all forms of electronic writing and transfer regularly used in Ottawa County government. Copies of all Board Policies shall be maintained in the office of the Ottawa County Administrator and published for employees on the intranet system.

- A. A proposed policy shall be submitted by the County Administrator to the Planning and Policy Committee. The Planning and Policy Committee shall review and evaluate the content of the proposed policy and, if necessary, will:
1. Refer the proposed policy for review and comment to any other committee of the board having an interest in the subject matter.
  2. Receive comment regarding the proposed policy.
  3. Make additions, deletions, and revisions to the proposed policy.
  4. Reject the proposed policy, after conferring with the chairperson of the originating board committee, if any.
  5. Report the proposed policy to the full Board for consideration and passage.
  6. A proposed policy shall receive a minimum of two (2) readings at the Board of Commissioners before being acted upon.

B. All Board policies shall be reviewed at least once every two (2) years by an Internal Policy Review Team, consisting of appointees of the County Administrator. Any changes in the Policy will be recommended to the Planning and Policy Committee, while procedures will be implemented as outlined in Section D below.

~~B. All Board policies shall be reviewed by the Planning and Policy Committee at least once every three (3) years.~~

- C. The Board of Commissioners may suspend the operation of a board policy by a two-thirds (2/3) vote.
- D. Implementation Authority: Upon adoption of this Policy, the Board of Commissioners authorizes the County Administrator to establish any procedures that may be necessary for implementation.

## V. REVIEW PERIOD

The Internal Policy Review Team will review this Policy at least once every two years, and will make recommendations for changes to the Planning & Policy Committee.



# County of Ottawa

## **CLOSURE OF COUNTY BUILDINGS AND FACILITIES**

### **I. POLICY**

It is the policy of the Ottawa County Board of Commissioners to maintain Ottawa County's business operations and to keep County buildings and facilities open during regular business hours, to meet the needs of the public and the governmental obligations of the County. County business operations will be suspended during regular business hours and County buildings and facilities will only be closed when inclement weather or other emergency conditions make it clear that such action is in the public interest, and necessary to protect the health, safety, and welfare of the general public and the employees of Ottawa County. In all instances, emergency response services, operations classified as "24/7" operations, and designated essential services shall continue in operation.

### **II. STATUTORY REFERENCES**

The Board of Commissioners may establish such rules and regulations regarding the business concerns of the County as the Board considers necessary and proper. See: MCL 46.11(m); Act 156 of the Public Acts of 1851, as amended

### **III. COUNTY LEGISLATIVE OR HISTORICAL REFERENCES**

Name and Date of Committee Review:

Board of Commissioners Review Date and Resolution Number:

Board of Commissioners Adoption Date and Resolution Number:

Related Policies:

Last Review by Internal Policy Review Team:



# County of Ottawa

## IV. PROCEDURE

- A. General: In any instance in which, because of inclement weather or other emergency conditions, one or more County facilities or operations should be closed, delayed, or open for operations at other than regular business hours, such decision shall be made by the Ottawa County Administrator or his/her designee, in consultation with the Chairperson of the Ottawa County Board of Commissioners and the Ottawa County Sheriff. If such a decision is made because of inclement weather or other emergency condition which develops overnight, the decision shall be made prior to 6:00 a.m. Once the decision is made, it shall be communicated to the public and to Ottawa County employees as follows:
1. By the Ottawa County Sheriff's Office, through the Ottawa County Central Dispatch Authority and the Grand Rapids Area Information Line (G.R.A.I.L.) system.
  2. By the Ottawa County Sheriff's Office, through notification by established procedures to local media outlets, including WWMT-TV 3 in Kalamazoo, WOOD-TV 8 in Grand Rapids, WZZM-TV 13 in Grand Rapids, and WXMI-TV 17 in Grand Rapids, and local radio stations.
  3. By the Ottawa County Sheriff's office, by contacting the elected officials, department heads, judges, and designees ~~as listed in Schedule "A" as maintained by the Sheriff's office hereto~~, who shall notify affected employees through a "phone tree" network to be established within each office or department of Ottawa County government.
  4. The County may also utilize the Ottawa County website, e-mail and voicemail to provide notice to the public and affected employees of actions taken under this Policy.
- B. Payroll/Time Accounting Procedures: In any instance in which this Policy is invoked, employees will record their hours to payroll in accordance with the Time Accounting Procedures set forth in Schedule "AB" hereto.
- C. Continuing Operations: Unless otherwise expressly directed, all employees of Ottawa County who are providing emergency response services, operations classified as "24/7" operations, and designated essential services shall continue to report for work during scheduled hours at scheduled locations. A list of operations which are classified as emergency response services, "24/7" operations, and essential services, is attached as Schedule "BC." The County Administrator may also direct that County buildings and facilities be opened at any time, to respond to inclement weather, emergency conditions, and/or to protect the health, safety and welfare of the general public.



# County of Ottawa

- D. Changes in Schedules: Schedule “A” ~~and~~, Schedule “B”, ~~and Schedule “C”~~ may be changed from time-to-time by the County Administrator without prior approval of the Board of Commissioners, to reflect changes in personnel or contact information, changes in applicable collective bargaining agreements, changes in human resources policies or work rules, and/or for other similar purposes.
- E. Effect on Existing Policies and Resolutions: This Policy is intended and shall be interpreted to supplement existing Ottawa County Policies and Resolutions, including the Ottawa County Emergency Operations Resolution, which shall control to the extent of any conflict in all instances in which a local state of emergency has been declared by the Chairperson of the Ottawa County Board of Commissioners.
- F. Implementation Authority: Upon adoption of this Policy, the Board of Commissioners authorizes the County Administrator to establish any procedures that may be necessary for implementation.

## V. REVIEW PERIOD

The Internal Policy Review Team will review this Policy at least once every two years, and will make recommendations for changes to the Planning & Policy Committee.



# County of Ottawa

## SCHEDULE "A"

### DEPARTMENT HEADS AND DESIGNATES

(As determined by the Administrator)



# County of Ottawa

## SCHEDULE “**AB**”

### TIME ACCOUNTING PROCEDURES

In the event the Ottawa County Administrator or his/her designee, in consultation with the Chairperson of the Ottawa County Board of Commissioners and the Ottawa County Sheriff invokes this policy and orders County facilities or operations closed, or delayed in opening, employees will record their hours to payroll as follows:

#### A. Facilities or Operations Closed:

1. If called before 8:00 a.m. employees regularly scheduled to work on the day of the closure shall receive a normal day's pay and not be expected to go to work;
2. If called after 8:00 a.m. and before 12 noon, those employees who reported to work shall receive a normal day's pay. Those employees who have not reported to work shall be charged four (4) hours floating holiday, sick or vacation time;
3. If called after 12 noon, those employees who did not report to work shall be charged eight (8) hours from their accumulated floating holiday, sick or vacation time and those employees regularly scheduled to work who reported shall receive their normal day's pay.

#### B. Facilities or Operations Delayed in Opening:

1. If a facility or operation is delayed in opening, employees regularly scheduled to work will receive a normal day's pay and not be expected to report to work until the time announced for opening;
2. Employees who reported for work at their regularly scheduled start time will be expected to work their entire shift/work day with no “additional time off” due to the delay in opening the facility or operation.

#### C. Scheduled Floating Holiday, Vacation or Sick Day:

Employees who have a prescheduled floating holiday, vacation or sick day on the day of closing or delay shall be charged eight (8) hours from their respective accumulated floating holiday, sick or vacation time.

#### D. Collective Bargaining Agreements:

Where this policy and time accounting procedures conflict with existing Collective Bargaining Agreements (CBA), the respective CBA will control for employees in that Bargaining Unit.





# County of Ottawa

## SCHEDULE “BC”

1. Ottawa County Sheriff's Office Adult Correction Facility [Corrections Officers and Designated Employees]
2. Ottawa County Sheriff's Office Law Enforcement Division [Road Patrol, Community Policing, Supervision, Investigation]
3. Ottawa County Sheriff's Office – Emergency Management Unit
4. Designated Ottawa County Juvenile Detention Facility Employees
5. Employees of the Ottawa County Community Mental Health Agency employed in residential facilities
6. Employees of the Ottawa County Facilities and Maintenance Department



# County of Ottawa

## CONDUCT OF PUBLIC MEETINGS

### I. POLICY

It is the policy of the Ottawa County Board of Commissioners to fully comply with the requirement of the Open Meetings Act, ~~MSA 4.1800 (ii) et seq.~~, MCLA 15.261 et seq., as amended, ("the Act"). This Policy establishes certain guidelines for the conduct of public meetings and for comment and participation at those meetings by members of the public.

### II. STATUTORY REFERENCES

~~MCLA 15.261 et seq. The Board Chairperson shall be responsible for assuring compliance with the terms of this policy.~~

### III. COUNTY LEGISLATIVE OR HISTORICAL REFERENCES

The Board adopts the "Guidelines of the Ottawa County Board of Commissioners on the Conduct of Public Meetings" attached as Exhibit "A". A copy of the Guidelines shall be brought to all meetings of the Board of Commissioners, and shall be available for public inspection upon request. The terms of the Guidelines are summarized in the "Summary of Audience Participation Guidelines" attached as Exhibit "B". A copy of the "Summary of Audience Participation Guidelines" shall be posted at the regular meeting place of the Board, and copies may be distributed at a public meeting, as may be deemed necessary by the Board Chairperson, so that the public is informed regarding the procedures for audience participation at meetings of the Board.

The original Board policy on this subject matter was adopted in March 2, 1995 B/C 95-105

Board of Commissioners Resolution Number and Policy Adoption Date: January 23, 2001 B/C 01-035

Board of Commissioner Review Date and Resolution Number:

Name and Date of Last Committee Review: Planning and Policy Committee December 23, 2001

Last Review by Internal Policy Review Team: November 30, 2011—

### IV. REVIEW PERIOD

~~IV.~~ The Internal Policy Review Team will review this Policy at least once every two years, and will make recommendations for changes to the Planning & Policy Committee.



# County of Ottawa

Exhibit "A"  
Guidelines of the Ottawa County  
Board of Commissioners on  
The Conduct of Public Meetings

~~As set forth in Rule IV, Section 4.8 of the Rules of the Ottawa County Board of Commissioners, ("the Rules")~~ It is the policy of the Board to fully comply with the requirements of the Open Meetings Act, ~~MSA 4.1800(11) et seq.;~~ MCLA 15.261 et seq., as amended, ("the Act"). ~~Pursuant to Rule II, Section 2.0 of the Rules, and a~~As authorized in Section 13(5) of the Act, ~~MSA 4.1800(13)(5);~~ MCLA 15.263(5), the Board has adopted these Guidelines on the Conduct of Public Meetings:

1. Opportunities For "Public Comment" On Agenda. The Agenda of each meeting of the Board provides two opportunities for "Public Comment." The first opportunity is scheduled before formal approval of the Agenda, and the second is scheduled immediately before Adjournment. Members of the public may only address the Board during these two portions of the Agenda, unless otherwise directed by the Chairperson. Each Public Comment portion of the Agenda is limited to not more than one half (1/2) hour, unless an extension is approved by a majority vote of the Board.

2. Conduct During the "Public Comment" Portions of the Agenda. A person wishing to address the Board during either Public Comment portion of the Agenda must indicate his or her name, address, and the issue upon which they desire to speak or comment. Each speaker shall be permitted to address the Board once for not more than three (3) minutes during each Public Comment portion of the Agenda, and shall be limited to a total of six (6) minutes of comment for the entire meeting, unless an extension of time is approved by a majority vote of the Board. The Chairperson shall have the responsibility of judging the appropriateness of comments made during any Public Comment portion of the Agenda, subject to overrule by a majority of the Board, and shall maintain order and dignity at all times.

3. Recommended Scope of Public Comments. Members of the public are encouraged to confine their remarks to matters which are on the Board Agenda and/or are of current



# County of Ottawa

concern and interest to the operations of County government. As a general matter, pursuant to Rule II, Section 2.1, all substantive agenda items (other than appointments, reports, statutorily required hearings and actions, and other similar matters) are referred to the Board only through a Standing or Special Committee. A two-thirds (2/3) vote of the members elected and serving is

required to add an unscheduled item to the Board Agenda. Therefore, members of the public who wish to address the Board on matters which are not on the Agenda may wish to consider directing those concerns, in writing, to the Ottawa County Administrator or the Chairperson of the Ottawa County Board of Commissioners so that those matters may be addressed administratively and/or referred to the relevant Standing or Special Committee of the Board for investigation, recommendation, referral, and resolution.

4. Questions By Board Members During "Public Comment" Portion of Agenda. Members of the Board, upon recognition by the Chairperson, shall have the privilege of questioning speakers during either Public Comment portion of the Agenda. Time spent during questioning by members of the Board shall not be deducted from the three-minute time limit for comment permitted to each speaker.

5. Prohibition Upon Public Comment During Other Portions of Agenda. Other than during the two periods provided for Public Comment, the Board shall follow the prepared Agenda. Board members shall enter into the discussion of Agenda items in a manner which permits other Board members, County staff, and members of the public to hear the proceedings of the Board, but shall refrain from interaction with member of the public during business sessions. The Chairperson may, in his or her discretion, call on members of the public for information which may assist the Board in its consideration of any Agenda item.

6. Comments By County Officials and Members of County Staff At Request of Board Members. County officials and members of the County staff may be requested to be present during a Board Meeting to discuss Agenda items. Questions, or requests for information, may be directed to the County officials or members of the County staff by any member of the Board at any time during the discussion of any Agenda item.

7. Provision in Agenda For "Communications From County Officials". The Board Agenda includes an opportunity for the receipt of "Communications from County Officials." This portion of the Agenda is an opportunity for County elected officials and Department heads, or



# County of Ottawa

their designees, to address the Board on Agenda items and/or on matters of current concern and interest to the operations of County government. During this portion of the Agenda, County officials should limit their comments to not more than five (5) minutes, unless other arrangements have been made with the Chairperson.

8. Formal Presentations To the Board; Time Limit. Persons invited to make a formal presentation to the Board should limit their presentation to not more than fifteen (15) minutes, unless other arrangements have been made with the Chairperson.

9. Application of Policy to Statutorily Required Public Hearings. To the extent it is not otherwise in conflict with state law, these Guidelines shall apply to all statutorily required public hearings.

~~Board of Commissioners adopted date: B/C 95-105 3-2-95~~

~~Date Reviewed & Recommended by  
Administrator: Tech Review  
Committee: Planning and Policy 12-20-00~~

~~Revised Policy Adopted Date: January 23, 2001 BC 01-035~~



# County of Ottawa

## Exhibit "B" Summary of Audience Participation Guidelines

The Ottawa County Board of Commissioners invites and encourages audience participation at meetings.

Audience members may address the Board during the Public Comment time at the beginning and conclusion of Board meetings.

At either time, individual comments will be limited to three minutes. The time allotted will be dictated by the number of persons wishing to address the Board. The total time for audience participation will not exceed thirty minutes at either time public comment is permitted.

The Board may waive the three minute rule and other time limitations for a definite period of time.

The complete guidelines for audience participation at public meetings is set forth in the "Policy of the Ottawa County Board of Commissioners on the Conduct of Public Meetings," adopted by the Board.



# County of Ottawa

## ENHANCED ACCESS TO PUBLIC RECORDS AND FEES

### I. POLICY

This policy is adopted pursuant to the authority of Section 3(5) of the "Enhanced Access to Public Records Act," Act 462 of the Public Acts of 1996, MCLA 15.441 et seq., as amended. The purpose of the Policy is: 1) to establish the definitions and operational provisions for a policy on enhanced access to public records, 2) to authorize the establishment of a fee schedule and to establish conditions for its waiver, and 3) to set forth a disclaimer as to all express and implied warranties regarding the access to or the use of public records for which enhanced access is provided.

#### A. Definitions

1. "Enhanced access" means a public record's immediate availability for public inspection, purchase, or copying by digital means. Enhanced access does not include the transfer of ownership of a public record.
2. "Geographical Information System" means an informational unit or network capable of producing customized maps based upon a digital representation of geographical data.
3. "Operating expenses" include, but are not limited to, the direct cost of purchasing, creating, compiling, storing, maintaining, processing, upgrading, or enhancing information or data in a form available for enhanced access, including the cost of computer hardware and software, systems development, employee time, and the actual cost of supplying the information or record in the form requested by the purchaser.
4. "Person" means that term as defined in Section 2 of the Freedom of Information Act, Act No. 442 of the Public Acts of 1976, MCLA 15.231 et seq., as amended.
5. "Public Body" means that term as defined in Section 2 of the Freedom of Information Act, Act No. 442 of the Public Acts of 1976, MCLA 15.231 et seq., as amended.
6. "Public Record" means that term as defined in Section 2 of the Freedom of Information Act, Act No. 442 of the Public Acts of 1976, MCLA 15.231 et seq., as amended.
7. "Reasonable fee" means a charge calculated to enable Ottawa County to recover over time those operating expenses directly related to the cost of providing enhanced access.



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8. "Software" means that term as defined in Section 2 of the Enhanced Access to Public Records Act, Act No. 462 of the Public Acts of 1996, MCLA 15.441 et seq., as amended.

## II. STATUTORY REFERENCES

[MCLA 15.441 et seq.](#)

## III. COUNTY LEGISLATIVE OR HISTORICAL REFERENCES

Date Reviewed & Recommended by

Administrator: December 22, 1999

Committee: Planning and Policy Committee 12-22-99

Board of Commissioners adopted date: January 25, 2000 BC 00-038 & BC 00-039

Last Review by Internal Policy Review Team:





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## IV. PROCEDURE

- A. Pursuant to the provisions of the Enhanced Access to Public Records Act, Ottawa County may provide enhanced access for the inspection, copying, or purchasing of a public record that is not confidential or otherwise exempt by law from disclosure.
- B. This policy does not require Ottawa County to provide enhanced access to any specific public record, if the public record sought is not available through the Ottawa County enhanced access system.
- C. The Ottawa County Board of Commissioners, pursuant to the recommendations of the Ottawa County Administrator, shall determine which public records may be made available through enhanced access.
- D. Principles and policies to be considered in determining which public records shall be made available through enhanced access include, but are not limited to the following:
  1. Management principles applied to public records and information resources will be consistent with those applied to other Ottawa County resources, and will be consistent with the requirements of law.
  2. Elected officials, department heads, departments, agencies, boards, commissions, councils and other Ottawa County public bodies legally responsible for the creation, preparation, custody, control, maintenance, preservation, guardianship, retention, possession or use of public records will continue to have the responsibility, authority and accountability for the management of public record information, consistent with county policies therefore, including this Policy and the Ottawa County Freedom of Information Act Policy.
  3. Information resource investment will be driven by sound legal and programmatic principles and by principles of sound financial management.
  4. The Ottawa County Board of Commissioners will ensure that ownership of information products and county-created intellectual property is protected, maintained and enhanced.
- E. Fees
  1. It is the policy of Ottawa County to charge a reasonable fee for:
    - a. Providing enhanced access to a public record.
    - b. Providing access to a geographical information system.



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c. Providing output from a geographical information system.

2. Except as otherwise provided by act or statute, the Ottawa County Administrator shall recommend, and the Ottawa County Board of Commissioners shall approve reasonable fee(s) for enhanced access to selected public record(s) or for access to a geographical information system or to the output from a geographical information system, before those fees shall become effective.
3. Except as otherwise provided by act or statute, or as otherwise provided herein, all persons shall be charged the reasonable fee approved by the Board of Commissioners for enhanced access to a public record or for access to a geographical information system or to the output from a geographical information system.
4. Fees to be charged under this Section may be reduced or waived by the Ottawa County Administrator or his/her designee, in instances where he/she determines, in writing, that:
  - a. Release of the information for no cost or at a reduced cost is critical to public health, safety, or welfare;
  - b. The information is required for nonprofit research purposes such as academic or public interest research;
  - c. The information is required to meet legal, programmatic or Ottawa County governmental objectives;
  - d. The information explains the rights, entitlements and/or obligations of individuals;
  - e. The cost of administering the fees would exceed the revenue to be collected;
  - f. The reasonable fee established would have a serious detrimental impact on the financial position of particular groups or classes or users;
  - g. The reasonable fee established would sufficiently limit the number of users to compromise achieving program or other Ottawa County governmental objectives.
5. Upon authorization by the Ottawa County Board of Commissioners, the Ottawa County Administrator or his/her designee may enter into agreements with other public bodies to provide enhanced access to public records, to provide access to a geographical information system, or to obtain output from a geographical information system, at a reduced fee or at no fee, in accordance with the requirements of Section 3 of the Enhanced Access to Public Records Act.



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## F. Disclaimer of All Warranties

1. Recipients of access or enhanced access to Ottawa County records, to any Ottawa County government information system, or to any output from any Ottawa County government information system, receive access and all public records and information "AS IS". Ottawa County, the Ottawa County Board of Commissioners, and their officers, officials, employees, and agents make no warranties of any kind, whether express or implied, including but not limited to warranties of accuracy, ownership, title, fitness for any particular purpose, or as to a recipient's right to use such public records or information. Recipients are solely responsible for investigating, responding to, litigating and settling all claims with regard to the use or access to all such enhanced public records, information, and systems, and agree as a condition of seeking and obtaining enhanced access to such enhanced public records information and systems to protect, indemnify, and hold Ottawa County harmless against any and all such claims, including the payment of any damages, costs, or attorney's fees.
2. No Ottawa County officer, official, employee, or agent is authorized to make warranties, express or implied, including but not limited to warranties of accuracy, ownership, title, fitness for any particular purpose, or of a recipient's right of use regarding the enhanced public records of Ottawa County, its government information systems, or as to the product or output of those systems.

## V. REVIEW PERIOD

The Internal Policy Review Team will review this Policy at least once every two years, and will make recommendations for changes to the Planning & Policy Committee.



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## FREEDOM OF INFORMATION ACT POLICY

### I. POLICY

The purpose of this policy is to implement the requirements of the Freedom of Information Act, ~~MSA 4.1801(1) et seq.~~; MCLA 15.231 et seq.

### II. STATUTORY REFERENCES

~~MCL 15.243: The Board of Commissioners may establish such rules and regulations regarding the business concerns of the County as the Board considers necessary and proper. See: MCL 46.11(m).~~

### III. COUNTY LEGISLATIVE OR HISTORICAL REFERENCES

~~The original Board policy on this subject matter was adopted in~~

~~Board of Commissioners Resolution Number and Policy Adoption Date: 9/28/99 BC 99-298~~

~~Board of Commissioner Review Date and Resolution Number:~~

~~Name and Date of Last Committee Review: Planning and Policy Committee August 26, 1999~~

~~Last Review by Internal Policy Review Team: November 30, 2011  
Date Reviewed & Recommended by~~

~~Administrator: \_\_\_\_\_~~

~~Committee: August 26, 1999 Planning and Policy Committee —~~

~~Board of Commissioners adopted date: 9-28-99 BC 99-298 \_\_\_\_\_~~

~~Last Review by Internal Policy Review Team:~~



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## IV. PROCEDURE

### A. Appointment of Freedom of Information Act Coordinator:

1. The Ottawa County Board of Commissioners shall designate a person to act as Freedom of Information Act Coordinator for Ottawa County. The Freedom of Information Act Coordinator shall be responsible for responding to requests for access to Ottawa County records made under the Freedom of Information Act, for approving a denial of a request for records under ~~MSA 4.1801(5) (4) and (5)~~; MCL A15.235(4) and (5), and for coordinating appeals of denials for access to public records. On particular matters, as may be determined by the Freedom of Information Act Coordinator, he/she may designate another person to act as Freedom of Information Act Coordinator in accepting and processing requests made under the Freedom of Information Act, in approving a denial for such records, and for coordinating an appeal from such a denial.

### B. Compliance With Freedom of Information Act:

1. All requests made under the provisions of the Freedom of Information Act for access to public records shall be processed in accordance with the requirements of that Act.

### C. Coordination With Departments and Offices:

1. The adoption of this Policy shall not be construed as interfering with the operations of county departments and offices which have independent statutory functions or responsibilities for the custody, control, and release of public records. However, those departments and offices may request the assistance of the Freedom of Information Act Coordinator with respect to requests made for access to public records under the provisions of the Freedom of Information Act, and shall refer to the Freedom of Information Act Coordinator all instances where the county department or office having custody or control of the requested re-



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records: (a) believes that those records may be exempt from disclosure under the Freedom of Information Act, (b) determines that the requested public records do not exist or cannot be located, or (c) believes that the request cannot be routinely processed by the department or office in compliance with the requirements of the Freedom of Information Act.

## D. Fees for Furnishing Public Records, Calculation of Costs:

1. All county departments and offices shall charge a fee for a public record search made under the provisions of the Freedom of Information Act. The fee shall be in an amount determined to cover the cost of the search for the public record, the cost of the necessary copying of a public record for inspection, and/or the cost of providing a copy of a public record. Subject to subsections (3) and (4), the fee shall be limited to actual mailing costs, and to the actual incremental cost of

duplication or publication, including labor, the cost of search, examination, review, and the cost of deletion and separation of exempt from non-exempt information. A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the Freedom of Information Act Coordinator determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public. A public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request to an individual who is entitled to information under the Freedom of Information Act and who submits an affidavit stating that the individual is then receiving public assistance or, if not receiving public assistance, stating facts showing inability to pay the cost because of indigency.

2. County departments and offices and/or the Freedom of Information Act Coordinator may require a good faith deposit from the person requesting the public record or series of public records, if the fee authorized under this section exceeds \$50.00. The deposit shall not exceed 1/2 of the total fee.
3. In calculating the cost of labor incurred in duplication and mailing and the cost of examination, review, separation, and deletion a county department or office shall charge the hourly wage of the lowest paid employee capable of retrieving the information necessary to comply with a request.
4. In addition to the fee as determining in this section, paper copies shall be charged for at the rate of 510 cents per page, and may be furnished at that rate in "double-sided" or "duplex" format. The rate charged for paper copies of public records under this Policy may be changed, from time-to-time, by resolution of the Ottawa County Board of Commissioners, and specific rates per page or other unit of information for requests made for public records stored in electronic or other media and formats may also be set resolution of the Ottawa County Board of Commissioners.



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## V. REVIEW PERIOD

The Internal Policy Review Team will review this Policy at least once every two years, and will make recommendations for changes to the Planning & Policy Committee.



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## IDENTITY THEFT PREVENTION PROGRAM POLICY

### I. POLICY

Ottawa County will establish and administer an Identity Theft Prevention Program Policy applicable to all covered departments designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing covered account, and to provide for continued administration of the Program in compliance with the Federal Trade Commission's Red Flags Rule (Part 681 of Title 16 of the Code of Federal Regulations) implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACT Act) of 2003, and to comply with other requirements of state and federal law concerning client and patient confidentiality.

Under the Red Flag Rule, every financial institution and creditor, including, in appropriate instances, a local governmental entity, is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

- A. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
- B. Detect Red Flags that have been incorporated into the Program;
- C. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
- D. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

### II. STATUTORY REFERENCES

16 CFR 681, Sections 114 and 315 of the Fair and Accurate Transactions Act (FACTA) of 2003.

MCL 46.11(I)

### III. COUNTY LEGISLATIVE OR HISTORICAL REFERENCES

The original Board policy on this subject matter was adopted in

Board of Commissioners Resolution Number and Policy Adoption Date: Board of Commissioners Policy Adoption Date and Resolution Number: April 27, 2010 B/C 10-092

Board of Commissioners Review Date and Resolution Number: April 13, 2010 B/C 10-087

Name and Date of Last Committee Review: November 30, 2011





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Last Review by Internal Policy Review Team: November 30, 2011

## IV. PROCEDURE

### A. Definitions

1. Identifying information means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including: name, address, telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol address, or routing code.
2. Identity theft means fraud committed or attempted using the identifying information of another person without authority.
3. A covered account means:
  - a. An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes that involves or is designed to permit multiple payments or transactions. Covered accounts include credit card accounts, mortgage loans, automobile loans, margin accounts, cell phone accounts, utility accounts, checking accounts and savings accounts; and
  - b. Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation or litigation risks.
4. A covered department means the Ottawa County Health Department, Ottawa County Mental Health Agency, Ottawa County Fiscal Services Department, Ottawa County Michigan Works!/Community Action Agency, Ottawa County Human Resources Department, and any other department identified in writing by the Administrator as a department or agency of the county which processes transactions in covered accounts.
5. A red flag means a pattern, practice or specific activity that indicates the possible existence of identity theft.

### B. Identification of Red Flags

1. Ottawa County identifies the following red flags, in each of the listed categories for all covered departments of the County:



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## a. Suspicious Documents

- 1). Identification document or card that appears to be forged, altered or inauthentic;
- 2). Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
- 3). Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
- 4). Application for service that appears to have been altered or forged.

## b. Suspicious Personal Identifying Information

- 1). Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
- 2). Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
- 3). Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
- 4). Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
- 5). Social security number presented that is the same as one given by another customer;
- 6). An address or phone number presented that is the same as that of another person;
- 7). A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
- 8). A person's identifying information is not consistent with the information that is on file for the customer.

## c. Suspicious Account Activity or Unusual Use of Account



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1). Change of address for an account followed by a request to change the account holder's name;

- 2). Payments stop on an otherwise consistently up-to-date account;
- 3). Account used in a way that is not consistent with prior use (example: very high activity);
- 4). Mail sent to the account holder is repeatedly returned as undeliverable;
- 5). Notice to the covered department that a customer is not receiving mail sent by the covered department.
- 6). Notice to the covered department that an account has unauthorized activity;
- 7). Breach in the County's computer system security; and
- 8). Unauthorized access to or use of customer account information.

d. Alerts from Others

- 1). Notice to the covered department from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

## C. Detecting Red Flags

1. New Accounts. In order to detect any of the Red Flags identified above associated with the opening of a new account, personnel of a covered department will, to the extent permitted by law, take the following steps to obtain and verify the identity of the person opening the account:
  - a. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
  - b. Verify the customer's identity (for instance, review a driver's license or other identification card);
  - c. Review documentation showing the existence of a business entity; and/or
  - d. Independently contact the customer.



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2. Existing Accounts. In order to detect any of the Red Flags identified above for an existing account, personnel of a covered department will take the following steps to monitor transactions with an account:

- a. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
- b. Verify the validity of requests to change billing addresses; and
- c. Verify changes in banking information given for billing and payment purposes.

## D. Preventing and Mitigating Identity Theft

1. In the event personnel of a covered department detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

### a. Prevent and Mitigate

- 1). Continue to monitor an account for evidence of Identity Theft;
- 2). Contact the customer;
- 3). Change any passwords or other security devices that permit access to accounts;
- 4). Not open a new account;
- 5). Close an existing account;
- 6). Reopen an account with a new number;
- 7). Notify the County Fiscal Services Director for determination of the appropriate step(s) to take;
- 8). Notify law enforcement; and/or
- 9). Determine that no response is warranted under the particular circumstances.

## 2. Protect customer identifying information

- a. In order to further prevent the likelihood of identity theft occurring with respect to County accounts, the County will take the following steps with respect to its



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internal operating procedures for covered departments to protect customer identifying information:

- b. Ensure that its website is secure or provide clear notice that the website is not secure;
- c. Ensure complete and secure destruction of paper documents and computer files containing customer information;
- d. Ensure that office computers are password protected and that computer screens lock after a set period of time;
- e. Keep offices clear of papers containing customer information;
- f. Request only the last 4 digits of social security numbers (if any);
- g. Ensure computer virus protection is up to date; and
- h. Require and keep only the kinds of customer information that are necessary.

## E. Client or Patient Confidentiality

1. Nothing herein shall require a covered department to adopt policies and procedures which violate any client or patient confidentiality requirements of state and federal law. To the maximum extent practicable, internal policies and procedures implemented hereunder shall be developed, administered and interpreted to comply with such client or patient confidentiality requirements.

## F. Program Updates

1. This Policy and these procedures will be periodically reviewed and updated to reflect changes in risks to customers and the security of the County from Identity Theft. As needed and at not more than three (3) years intervals, the County Administrator will consider the County's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, changes in types of accounts the County maintains and changes in the County's business arrangements with other entities. After considering these factors, the County Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the County Administrator will present the Board of Commissioners with his/her recommended changes and the Board will make a determination of whether to accept, modify or reject those changes to the Program.

## G. Program Administration



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1. Oversight. Responsibility for developing, implementing and updating this Program lies with the County Administrator reporting to the Board of Commissioners. The County Administrator will be responsible for Program administration, for ensuring appropriate training of County staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of

prevention and mitigation should be taken in particular, circumstances and considering periodic changes to the Program.

2. Staff Training and Reports. County staff within covered departments who are responsible for implementing the Program shall be trained in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. County staff is required to provide reports to the Program Administrator on incidents of Identity Theft, the County's compliance with the Program, and the effectiveness of the Program.
3. Specific Program Elements and Confidentiality. For the effectiveness of Identity Theft prevention Programs, the Red Flag Rule envisions a degree of confidentiality regarding Ottawa County's specific practices relating to Identity Theft detection, prevention and mitigation. Therefore, under this Program, knowledge of such specific practices are to be limited to those employees who need to know them for purposes of preventing Identity Theft. Because this Program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore, only the County's general red flag detection, implementation and prevention practices are listed in this document.

## V. REVIEW PERIOD

The Internal Policy Review Team will review this Policy at least once every two years, and will make recommendations for changes to the Planning & Policy Committee.



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## PRIVACY OF SOCIAL SECURITY NUMBERS

### I. POLICY

It is the policy of Ottawa County to comply with the Social Security Privacy Act, Act 454 of the Public Acts of 2004, MCL 445.81 et seq., to assure that the privacy of Social Security numbers gathered by Ottawa County employees in the course and scope of their duties are protected from unlawful disclosure.

### II. STATUTORY REFERENCES

The Board of Commissioners may establish such rules and regulations regarding the business concerns of the County as the Board considers necessary and proper. See: MCL 46.11(m); Act 151 of the Public Acts of 1851, as amended. The Social Security Number Privacy Act requires that the Board of Commissioners adopt a privacy policy to protect the privacy of Social Security numbers possessed or obtained by Ottawa County See: MCL 445.81, et seq., Act 454 of the Public Acts of 2004.

### III. COUNTY LEGISLATIVE OR HISTORICAL REFERENCES

The original Board policy on this subject matter was adopted in

Board of Commissioners Resolution Number and Policy Adoption Date: December 13, 2011 B/C 05-328

Name and Date of Last Committee Review: Planning and Policy Committee November 9, 2005

Last Review by Internal Policy Review Team: November 30, 2011

~~Name and Date of Committee Review: Planning & Policy; November 9, 2005 (PP 05-091)~~

~~Board of Commissioners Review Date and Resolution Number: November 22, 2005 (B/C 05-318)~~

~~Board of Commissioners Adoption Date and Resolution Number: December 13, 2005 (B/C 05-328)~~

~~Last Review by Internal Policy Review Team:~~



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## IV. PROCEDURE

- A. Operational Guidelines: Except as provided in subsection (B.), no Ottawa County agency or employee shall intentionally do any of the following with the Social Security number of an employee or other individual:
1. Publicly display all or more than 4 sequential digits of the social security number.
  2. Subject to subsection (C.), use all or more than 4 sequential digits of the Social Security number of an individual.
  3. Visibly print all or more than 4 sequential digits of the Social Security number on any identification badge or card, membership card, or permit or license.
  4. Require an individual to use or transmit all or more than sequential digits of his or her Social Security number over the Internet or a computer system or network unless the connection is secure or the transmission is encrypted.
  5. Require an individual to use or transmit all or more than 4 sequential digits of his or her Social Security number to gain access to an internet website or a computer system or network unless the connection is secure, the transmission is encrypted, or a password or other unique personal identification number or other authentication device is also required to gain access to the internet website or computer system or network.
  6. Include all or more than 4 sequential digits of the Social Security number in or on any document or information mailed or otherwise sent to an individual if it is visible on or, without manipulation, from outside of the envelope or packaging.
  7. Subject to subsection (C.), include all or more than 4 sequential digits of the Social Security number in any document or information mailed to a person, unless any of the following apply:
    - a. State or federal law, rule, regulation, or court order or rule authorizes, permits, or requires that a Social Security number appear in the document.





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b. The document is sent as part of an application or enrollment process initiated by the individual.

c. The document is sent to establish, confirm the status of, service, amend, or terminate an account, contract, policy, or employee or health insurance benefit or to confirm the accuracy of a Social Security number of an individual who has an account, contract, policy, or employee or health insurance benefit.

d. The document or information is mailed by Ottawa County under any of the following circumstances:

1). The document or information is a public record and is mailed in compliance with the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.

2). The document or information is a copy of a public record filed or recorded with a county clerk or register of deeds office and is mailed by that office to a person entitled to receive that record.

3). The document or information is a copy of a vital records recorded as provided by law and is mailed to a person entitled to receive that record.

e. The document or information is mailed by or at the request of an individual whose Social Security number appears in the document or information or his or her parent or legal guardian.

f. The document or information is mailed in a manner or for a purpose consistent with subtitle A of Title V of the Gramm-Leach-Bliley Act, 15 USC 6801 to 6809; with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191; or with section 537 or 539 of the Insurance Code of 1956, 1956 PA 218, MCL 500.537 ~~and or~~ 500.539.

B. Subsection (A.) does not apply to any of the following:

1. A use of all or more than 4 sequential digits of a Social Security number that is authorized or required by state or federal statute, rule, or regulation, by court order or rule, or pursuant to legal discovery or process.

2. A use of all or more than 4 sequential digits of a Social Security number by a title IV-D agency, law enforcement agency, court, or prosecutor as part of a criminal investigation or prosecution, or providing all or more than 4 sequential digits of a Social Security number to a title IV-D agency, law enforcement agency, court, or prosecutor as part of a criminal investigation or prosecution.



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C. It is not a violation of subsection (A.)(1.) or (7.) of this Policy to use all or more than 4 sequential digits of a Social Security number if the use is any of the following:

1. An administrative use of all or more than 4 sequential digits of the Social Security number in the ordinary course of business, by an Ottawa County employee or a vendor or contractor of Ottawa County, to do any of the following:
    - a. Verify an individual's identify, identify an individual, or do another similar administrative purpose related to an account, transaction, product, services, or employment.
    - b. Investigate an individual's claim, credit, criminal, or driving history.
    - c. Detect, prevent, or deter identify theft or another crime.
    - d. Lawfully pursue or enforce a person's legal rights, including, but not limited to, an audit, collection, investigation, or transfer of a tax, employee benefit, debt, claim, receivable, or account or an interest in a receivable or account.
    - e. Lawfully investigate, collect, or enforce a child or spousal support obligation or tax liability.
    - f. Provide or administer employee or health insurance or membership benefits, claims, or retirement programs or to administer the ownership of shares of stock or other investments.
  2. A use of all or more than 4 sequential digits of a Social Security number as a primary account number that meets both the following:
    - a. The use began before the effective date of this act.
    - b. The use is ongoing, continuous, and in the ordinary course of business. If the use is stopped for any reason, this subdivision no longer applies.
- D. All or more than 4 sequential digits of a Social Security number contained in a public record are exempt from disclosure under the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, pursuant to Section 13(1)(d) of the Michigan Freedom of Information Act, MCL 15.243(1)(d).
- E. Only those Ottawa County employees who must have access to Social Security numbers to perform their job functions shall have access to Social Security numbers, and access to social security numbers by any other employee of Ottawa County is prohibited.
- F. Documents which contain Social Security numbers that are no longer needed by Ottawa County shall be destroyed by shredding.



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- G. An Ottawa County employee who violates this Policy shall be subject to discipline up to and including termination.
- H. Implementation Authority: Upon adoption of this Policy, the Board of Commissioners authorizes the County Administrator to establish any procedures that may be necessary for implementation.

## V. REVIEW PERIOD

The Internal Policy Review Team will review this Policy at least once every two years, and will make recommendations for changes to the Planning & Policy Committee.



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## COUNTY LOGO USE

### I. POLICY

It is important for the members of the general public and outside agencies to be able to identify the work product, reports and activities of all county departments as being a function of Ottawa County government.

### II. STATUTORY REFERENCES

The Board of Commissioners may establish such rules and regulations regarding the business concerns of the County as the Board considers necessary and proper. See: MCL 46.11(m); Act 156 of the Public Acts of 1851, as amended.

### III. COUNTY LEGISLATIVE OR HISTORICAL REFERENCES

The original Board policy on this subject matter was adopted on 05/12/98.

Board of Commissioners Resolution No.

Name and Revisions Number:

Date of Last Review:

Last Review by Internal Policy Review Team:



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## IV. PROCEDURE

- A. To the maximum extent practicable, all departments of Ottawa County government shall utilize the county logo (~~attached as Exhibit A~~) on all correspondence, reports, and documents which are or may be distributed to members of the general public and outside agencies. All annual reports of county departments shall identify the members of the Ottawa County Board of Commissioners ("the Board of Commissioners") by name and indicate, in the same area as the names of the Board of Commissioners, "The activities and programs of this department are brought to you by the members of the Ottawa County Board of Commissioners."
- B. Implementation Authority: Upon adoption of this Policy, the Board of Commissioners authorizes the County Administrator to establish any procedures that may be necessary for implementation.

## V. REVIEW PERIOD

The Internal Policy Review Team will review this Policy at least once every two years, and will make recommendations for changes to the Planning & Policy Committee.



# County of Ottawa

## **AUTOMATIC CLEARING HOUSE (ACH) AND ELECTRONIC **FUND** TRANSACTIONS (**EFT**) OF PUBLIC FUNDS POLICY**

### **I. POLICY**

The County of Ottawa may engage in Automatic Clearing House (ACH) transactions under the terms of this Policy and the procedures and protocols established by the Ottawa County Treasurer, according to the terms of Act 738 of the Public Acts of 2002, MCLA 124.301 et seq.

### **II. STATUTORY REFERENCES**

The Board of Commissioners may establish such rules and regulations regarding the business concerns of the County as the Board considers necessary and proper. See: MCL 46.11(m); Act 156 of the Public Acts of 1851, as amended. The County of Ottawa may engage in Automatic Clearing House Transactions according to the terms of MCLA 124.301 et seq.

### **III. COUNTY LEGISLATIVE OR HISTORICAL REFERENCES**

The original Board policy on this subject matter was adopted on December 9, 2003.

Board of Commissioners Policy Adoption Date and Resolution Number: May 27, 2008; 08-123

Board of Commissioners Review Date and Resolution Number: May 13, 2008; 08-110

Name and Date of Last Committee Review: Planning and Policy Committee, May 8, 2008

[Last Review by Internal Policy Review Team: November 30, 2011](#) ~~Related Policies:~~



# County of Ottawa

## IV. PROCEDURE

### A. Authority to Enter Into ACH Agreements and Electronic Transfer of Public Funds:

1. The County Treasurer may enter into ACH agreements and engage in the electronic transfer of public funds as provided for by Act 738. All ACH Agreements entered into by the County Treasurer shall be reviewed and approved according to the standard Ottawa County policies and procedures for the approval of contracts.

### B. Responsibility for ACH Agreements:

2. The County Fiscal Services Director shall be responsible for all ACH agreements, including payment approval, reporting, and general oversight of compliance with this Policy. For all ACH transactions, the Fiscal Services Director shall submit to the Ottawa County Board of Commissioners documentation detailing the good or services purchased, the cost of goods or services, the date of the payment, and the department levels serviced by payment. This report may be contained in the electronic general ledger software system or in a separate report to the Ottawa County Board of Commissioners.

### C. Internal Accounting Controls to Monitor Use of ACH and EFT Transactions:

1. The County Treasurer, County Administrator, ~~or his/her designee and the~~ Fiscal Services Director, ~~or their~~ designee shall jointly determine those invoices to be paid by ACH or ~~electronic transfers~~ EFT.
2. Upon receipt of an invoice of payment for accounts payable by ACH ~~or electronic transfer~~, the Fiscal Services Director or his/her designee shall approve payment and notify the County Treasurer of the date of debit to Ottawa County's bank accounts. ~~Invoices paid by this method may include utility and recurring lease payments.~~ These payments shall be included on the report of payments to the Ottawa County Board of Commissioners. All invoices approved by the Fiscal Services Director or his/her designee and payable by ACH ~~or electronic transfer~~ may be paid in that manner through the County Treasurer's Office if approved by the County Administrator and deemed in the best interest of the County.
3. For payment of State and Federal payroll taxes when appropriate allowed, the County Treasurer shall initiate payment to the proper authority upon receipt of the information from the ~~Accounting Director~~ Fiscal Services Director or his/her designee using the established EFTPS and state program.
4. For deposits, including deposits from state, county, and/or federal authorities, and from third-party payment processors, (e.g., banks, vendors), the County Treasurer shall obtain the amount of the deposit and send an advice to the Fiscal Services Director or his/her designee, as may be necessary.



# County of Ottawa

5. All invoices shall be held by the Fiscal Services Director or is/her designee along with copies of payment advices, according the standard Ottawa County policies therefore. Internal controls are subject to ongoing review for appropriateness and compliance and during the annual audit process.

6. This Policy shall not govern ACH and ~~electronic transfers~~EFT of surplus funds by the Treasurer's Office for investment purposes, which shall be governed by separate investment policies, procedures, and protocols.

## V. REVIEW PERIOD

The Internal Policy Review Team will review this Policy at least once every two years, and will make recommendations for changes to the Planning & Policy Committee.