

## Resolution 90

### A RESOLUTION OF THE GOVERNING BOARD OF NORCOM APPROVING A MEMORANDUM OF UNDERSTANDING REGARDING PROTECTED HEALTH INFORMATION.

**WHEREAS**, NORCOM desires to enter into a Memorandum of Understanding (“MOU”) with certain of its member agencies (“Member Agencies” and together with NORCOM, the “Parties”) for the purpose of memorializing the understanding between the Parties with respect to the security and confidentiality of certain “protected” health information (“Protected Health Information” or “PHI”) under the federal Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and its implementing regulations thereunder by the U.S. Department of Health and Human Services and other applicable laws including chapter 70.02 RCW, the Washington Uniform Health Care Information Act, as amended; and

**WHEREAS**, 45 CFR § 164.504(e)(1) requires a written agreement between a “covered entity” and a “business associate” limiting the use and disclosure of PHI and requiring certain assurances that the information shared will be protected in the hands of the receiving agency; and

**WHEREAS**, pursuant to 45 CFR § 164.504(e)(3), if a covered entity and a business associate are both governmental entities, such governmental entities may make the required assurances pursuant to a memorandum of understanding, rather than within a business associate agreement; and

**WHEREAS**, depending on the nature of the activities conducted, certain Member Agencies may be considered “covered entities” for purposes of HIPAA, and NORCOM may then be considered a “business associate” of such covered entities; and

**WHEREAS**, to the extent that certain Member Agencies are “covered entities” for purposes of HIPAA, and to the extent that NORCOM is a business associate of those Member Agencies, the MOU is intended to provide assurances that NORCOM will appropriately safeguard PHI in conformance with HIPAA and the regulations promulgated thereunder;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Board of NORCOM as follows:

Section 1. Authorization. The Board hereby approves the Memorandum of Understanding Regarding Protected Health Information (the “MOU”), in substantially the form presented to this Board and incorporated herein by this reference. The Executive Director of NORCOM is hereby authorized to execute the MOU with such modifications and revisions as determined to be necessary by the Executive Director and legal counsel to NORCOM.

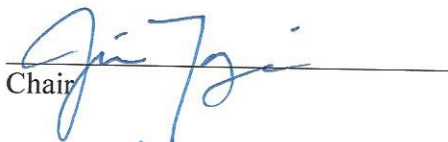
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Section 2. Further Authority; Prior Acts. All NORCOM officials, their agents, and representatives are hereby authorized and directed to undertake all action necessary or desirable from time to time to carry out the terms of, and complete the transactions contemplated by, this resolution. All acts taken pursuant to the authority of this resolution but prior to its effective date are hereby ratified and confirmed.

Section 3. Effective Date. This resolution shall take effect immediately upon its passage and adoption.

Passed by a majority vote of the Governing Board in an open meeting on this 10th day of April, 2015.

Signed in authentication thereof on this 10th day of April, 2015.

Chair 

Attest: 