

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: 16 September 2009

SUBJECT: Technical Corrections and Modifications

ATTACHMENT(S): Proposed Act

SUMMARY OF REQUEST:

This is an omnibus act to update certain County ordinances and policies. It contains the following:

- I) Amendments to your “Privacy Policies” enacted pursuant to the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), to allow some units of the Henderson County Department of Social Services to become a part of the “Henderson County HIPAA Hybrid Entity”. This will allow such units to electronically bill Medicaid for its services (which electronic billing is now required).
- II) This amends your Code of Ethics for county officials to require reporting of “all honorariums, and all gifts and favors exceeding \$100.00 in value”.
- III) This modifies the provisions of the County Code dealing with the Cane Creek Water and Sewer District, to allow this Board, acting as the Board for Cane Creek Water and Sewer District, to permit the non-billing of premises in situation where water is not connected (wells) or water service is cut off (public water).
- IV) This provision, acting as the Board for the Cane Creek Water and Sewer District, adopts a policy of non-billing of premises in situation where water is not connected (wells) or water service is cut off (public water).
- V) This provision amends the Rules of Procedure of the Henderson County Historic Resources Commission to allow for election of its Chair, for the Vice Chair to take over the Chair’s position if the Chair is unable or unwilling to act, and to allow for election of a new Vice Chair in such situation.
- VI) This provision amends the Bylaws of the Animal Services Advisory Committee to allow it to better enforce its attendance provisions.
- VII) This amends the County Code regarding pawnbrokers, to make it clear that a full application is not required each year to obtain an annual renewal of a license.

County staff will be present and prepared if requested to give further information on this matter.

BOARD ACTION REQUESTED:

Adoption of the proposed Act.

If the Board is so inclined, the following motion is suggested:

I move that the Board adopt the Ordinance and Policy Modifications and Technical Corrections Act for 2009.

Ordinance and Policy Modifications and Technical Corrections Act for 2009

The following cited ordinances and policies of Henderson County and its government are amended or modified as follows:

I.

Privacy Policies adopted by the Board 19 June 2002 under the "Administrative Simplification" provisions of the Health Insurance Portability and Accountability Act of 1996:

1) Policy 2.2, "Incorporation of Policy For and Designation of Hybrid Entity" is hereby amended, by deleting the words "Henderson County Legal Department", and adding in lieu thereof the following:

**--Henderson County Office of the County Attorney
--Henderson County Department of Social Services (only its adult services section, its administrative (financial) unit, and its reception and information technology units)**

2) Policy 14 is amended by deleting the words "Legal Department" wherever they may appear, and replacing them with the words "Office of the County Attorney" in each instance.

3) A new policy 15 is added:

Policy 15 – Department of Social Services specific policies

The Department of Social Services will adhere to the Henderson County HIPAA Privacy Policies through a set of adopted standards and operational procedures. These standards and operational procedures are found in the Department of Social Services Operations Manuals that are located in all supervisors' offices and other staff as identified by the Department.

Operational procedures are written, reviewed and approved by, but not exclusive of, the Management Team and the Internal HIPAA Compliance Team.

The Henderson County HIPAA Committee, and the Department of Social Services' Internal HIPAA Compliance Team, and Management Team will oversee operations and related procedures and compliance efforts as it relates to HIPAA.

Operational procedures, related to HIPAA Privacy Regulations, are subject to change without notice in the following circumstances:

- **As determined by the Department to improve operations regarding the privacy and confidentiality of a client as it relates to PHI or to adhere to any changes in Henderson County HIPAA Privacy Policies,**
- **As required to comply with adopted Henderson County HIPAA Privacy Policies,**
- **As required by the government of the State of North Carolina (and any unit thereof), or**

- **As required by the government of the United States (and any unit thereof).**

II.

The Code of Ethics adopted by the Board 2 June 2008, section 3, paragraph (e), is amended by deleting the second sentence of the second paragraph thereof, and inserting in lieu thereof the following sentence:

County Officials must report in writing to the Clerk to the Board of County Commissioners all honorariums, and all gifts and favors exceeding \$100.00 in value if made by a covered contractor, subcontractor, or supplier.

III.

Section 152A-32C. of the Henderson County Code is amended by striking the same, and inserting in lieu thereof the following:

In cases of premises where water service is cut off or not connected, during the periods when such water service is cut off or not connected, CCWSD sewer charges will be incurred, and CCWSD bills will be rendered, in accord with policies duly adopted by the CCWSD Board.

IV.

Acting as the Board for the Cane Creek Water and Sewer District ("CCWSD"), until further announced by this Board, it shall be the policy of CCWSD to not charge its customers for sanitary sewer service for a given location during periods in which water service is cut off or not connected to such location.

V.

The Rules of Procedure for the Henderson County Historic Resources Commission are amended, as follows:

- 1) Article VI, Section 2 ("Chairperson"), is amended, by changing the first sentence thereof from

The Chairperson, appointed by the Board of Commissioners, shall be the presiding officer of the Commission, and shall preside over the regular and special meetings of the Commission.

to

The Chairperson, elected by the members of the Commission for a one-year term at the first meeting each calendar year (such election to be conducted by the County staff person assigned to work with the Commission), shall be the presiding officer of the Commission, and shall preside over the regular and special meetings of the Commission.

2) Article VI, Section 3 (“Vice Chairperson”), is amended, by adding to the first sentence thereof, immediately after the words “Vice Chairperson”, the words “elected by the members of the Commission”.

3) Article VI, Section 3 (“Vice Chairperson”), is amended, by adding the following sentence to the end thereof:

If the Chairperson is unable or unwilling to complete a term after election, the Vice Chairperson will assume the position of Chairperson, and a new Vice Chairperson will be elected by the Commission to fulfill the unexpired Vice Chairperson term.

VI.

The By-Laws of the Animal Services Advisory Committee are amended, by changing last sentence of the section named “Attendance” from

Any member having three or more unexcused absences in a twelve month period shall be reported to the Board of Commissioners.

to

Any member having missed twenty-five percent (25%) of the meetings of the Committee within any twelve-month period shall be reported to the Board of Commissioners.

VII.

Section 134-5B(1) of the Henderson County Code is amended, by adding the following:

No new application shall be required in the case of the annual renewal of existing licenses. However, in addition to the annual license fee, the licensee shall submit a written statement, under oath, to the effect that (i) such licensee has operated the licensed pawnbroker business in accord with Chapter 91A of the North Carolina General Statutes, and Chapter 134 of the Henderson County Code; (ii) that all information contained in the application for the previously granted license is still correct (or any changes that are required thereto); and, (iii) that the licensee has not been convicted of any criminal offense in the past year.

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Unanimously adopted, this _____ day of _____, 2009.

HENDERSON COUNTY BOARD OF COMMISSIONERS

By: _____
WILLIAM L. MOYER, Chairman
For the Board

Attest:

Secretary to the Board of Commissioners