

EXECUTIVE SUMMARY

Recommendation to Approve Agreement FY20-106 – Business Associate Agreement (HIPAA/HITECH)

Introduction

Responsible: Procurement & Warehousing Services (PWS)

This request is to approve the Business Associate Agreement (BAA) between the School Board of Broward County, Florida (SBBC), and Gabriel, Roeder, Smith & Company (GRS). The term of this Agreement shall be for a period commencing upon execution with no expiration date but subject to established termination conditions under the BAA.

There is no financial impact to the District.

Goods/Services Description

Responsible: Accounting & Financial Reporting

In order to comply with District's Health Insurance Portability and Accountability Act (HIPAA), covered entities must enter into formal agreements with any parties in which they communicate confidential, protected health information (PHI). The BAA delineates the obligations and activities of the entities, permitted uses and disclosures of PHI, and indemnification.

GRS will provide services relating to Governmental Accounting Standards Board (GASB) Statement No. 75 and Other Post-Employment Benefits (OPEB) and will perform the actuarial calculations necessary for the District to comply with GASB Statement No. 75 for fiscal years ending June 30, 2019, and 2020. And will also prepare a formal fully compliant valuation report presenting the development of the results, a description of all primary actuarial assumptions and methods, and a summary of the plan benefits. The report will provide actuarial figures necessary for compliance with GASB Statement No. 75 for all OPEBs. Since the information shared with GRS for the services above involves health plan enrollment information, which is "Protected Health Information (PHI)" covered by HIPAA, HIPAA requires "covered entities" (in this case, SBBC) to enter into HIPAA Business Associate Agreements with their "business associates (BAs)" (in this case, GRS Retirement Consultants) when disclosing PHI to the Business Associate.

Procurement Method

Responsible: PWS

Pursuant to Purchasing Policy 3320 and the Department of Education, Rule 6A-1.012, 11(a), Florida Administrative Code as authorized by Section 1010.04(4)(a), Florida Statutes, and School Board Policy 3320, Section II, G, the requirement for requesting competitive solicitation for commodities or contractual services from three (3) or more sources is hereby waived for the purchase of professional services.

The professional services provided by GRS, as described above, which requires this BAA, were procured through a consultant agreement which do not require board approval since it falls under the same above policy section and amount thresholds as per Policy 3320. Additionally, the consultant agreement was reviewed and approved by SBBC's legal counsel and risk management.

Financial Impact

Responsible: PWS and Accounting & Financial Reporting

There is no financial impact to the District.