



Jim Martin, Commissioner
Jack H. Senterfitt, Chief Legal Officer

Georgia Department of Human Resources
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April 4, 2003

Hon. Chad Hoffecker, Esq.
Department of Juvenile Justice
2 Peachtree Street
Atlanta, Georgia 30303

A handwritten signature in cursive script that reads "Chad".

Re: HIPAA Compliance

Dear Mr. Hoffecker:

As you know, April 14 is the date on which "covered entities" must comply with the federal "Standards for Privacy of Individually Identifiable Health Information" (the Privacy Rule). DHR is a covered entity because it maintains and electronically transmits such information. In addition, DHR from time to time exchanges such information with DJJ so that both DHR and DJJ may carry out their statutory responsibilities.

The Privacy Rule authorizes governmental entities to document their compliance with its disclosure requirements by entering into a memorandum of understanding. See 45 CFR § 164.504(e)(3)(i). As directed by the DHR Commissioner's office, I have prepared and signed a simple memorandum for this purpose, which is enclosed in duplicate. On behalf of DHR, I request that you have the appropriate member of your staff execute both copies and return one copy to me. The other copy is for your records.

Thank you for your assistance in this matter. If you have questions or need other information, please let me know.

Sincerely yours,

A handwritten signature in cursive script that reads "Marion W. Cornett, Jr.".

Marion W. Cornett, Jr.
DHR Privacy Officer

Enclosures

cc: Jack H. Senterfitt, Chief Legal Officer

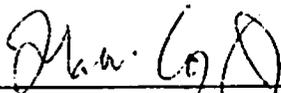
**MEMORANDUM OF UNDERSTANDING
PURSUANT TO THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY
ACT OF 1996 AND THE STANDARDS FOR PRIVACY OF INDIVIDUALLY
IDENTIFIABLE HEALTH INFORMATION**

This memorandum is entered into on the ____ day of April, 2003 by the Georgia Department of Human Resources, hereinafter "DHR," and the Department of Juvenile Justice, hereinafter "DJJ." The parties, both governmental agencies of the State of Georgia, hereby agree as follows:

1. Pursuant to the provisions of 45 CFR § 165.504(c)(3), the parties agree that DHR is a "covered entity" as defined by the federal Standards for Privacy of Individually Identifiable Health Information. The parties agree that DJJ is the state agency responsible for supervision, detention and rehabilitation of juveniles committed to state custody as set out in OCGA Title 49, Chapter 4A.
2. DHR and DJJ from time to time may disclose "protected health information" ("PHI") to each other in order for either party to carry out its statutory functions. These disclosures relate to PHI created or acquired by the parties in connection with programs they administers, whether for purposes of determining eligibility, benefit levels, treatment requirements or related matters.
3. PHI disclosed pursuant to this memorandum is confidential information and will be subject to appropriate safeguards while in either party's possession. PHI will not be re-disclosed by either party or its employees without the consent of the individual to whom the PHI relates or that individual's authorized representative, except as may be required by compulsory legal process.
4. PHI will be retained by the parties as required by law and as appropriate will be destroyed only in accordance with approved records retention schedules.
5. This effective date of this memorandum is April 14, 2003, and the memorandum will remain in effect until the statutory authority and responsibility of either party is altered by action of the General Assembly of Georgia inconsistent herewith, or its termination by the provision by either party to the other of a written notice thereof at least 60 days prior to the date of termination.

Department of Human Resources

Department of Juvenile Justice

By: 
Authorized Signature

By: 
Authorized Signature

Title: Privacy Officer

Title: Dir. Legal Services