



Board Agenda Item 59

DATE: September 22, 2020

TO: Board of Supervisors

SUBMITTED BY: David Pomaville, Director, Department of Public Health

SUBJECT: Agreement with Terranova Worldwide Corporation for HIPAA Training Services

RECOMMENDED ACTION(S):

- 1. Make a finding that it is in the best interest of the County to suspend the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances for countywide hosted web-based customized Health Insurance Portability and Accountability Act and Health Information Technology Economics and Clinical Health Act Privacy and Security Training services; and**
- 2. Approve and authorize the Chairman to execute an Agreement with Terranova Worldwide Corporation for hosted web-based customized Health Insurance Portability and Accountability Act and Health Information Technology Economics and Clinical Health Act Privacy and Security Training, effective January 25, 2021, not to exceed five consecutive years, which includes a three-year base agreement and two optional 12-month extensions, total not to exceed \$103,000.**

Approval of the recommended action will allow for continued Health Insurance Portability and Accountability Act of 1996 (HIPAA) and Health Information Technology Economics and Clinical Health Act of 2009 (HITECH) Privacy and Security hosted web-based training to County Health Care Component designated workforce members located within various County departments, with no Net County Cost. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board could choose not to approve the recommended actions; however, the County would continue to be mandated by Federal law to provide HIPAA and HITECH privacy and security training to its Health Care Component workforce members upon hire. If your Board chooses not to approve the recommended actions, the Department will return with an Amendment requesting to extend the term of the current Agreement, which terminates on January 26, 2021 to allow for the Department to have necessary additional time needed to secure an alternative training source.

SUSPENSION OF COMPETITION CONTRACT:

The Department's request to waive the competitive bidding process is consistent with Administrative Policy No. 34 as Terranova Worldwide Corporation is the current provider of customized hosted web-based HIPAA and HITECH privacy and security training to County Health Care Component (HCC) workforce members. The Department has an established relationship with Terranova Worldwide Corporation since 2016, after a Board Agreement was executed through the RFP process, which was issued in August 2015. Terranova is uniquely positioned to continue to provide these services to the County HCC.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. The maximum compensation for the full five-year term of the Agreement is \$103,000 (\$19,600 annually and \$5,000 for customization, should it be requested by County). Sufficient appropriations and estimated revenues are included in the Department of Public Health's Org 5620 Adopted FY 2020-21 Budget and will be included in subsequent fiscal year Department budgets. The cost for services will be covered by Health Realignment. User departments will be charged as needed for training, commensurate with the number of workforce members trained.

DISCUSSION:

The County of Fresno is designated a hybrid entity for purposes of the Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Health Information Technology Economics and Clinical Health Act of 2009 (HITECH). Various workforce positions of organizational components of the County of Fresno are designated as the County's Health Care Component (HCC) subject to Privacy and Security regulations promulgated by the Federal Department of Health and Human Services pursuant to the requirements of HIPAA and HITECH. As required by HIPAA and HITECH, new workforce members of the HIPAA-covered HCC must successfully complete privacy and security training. County's Management Directive #2917 - HIPAA Privacy and Security Training/Security Awareness Program requires workforce members are to receive HIPAA privacy and security training upon hire and annually thereafter.

County HIPAA-covered HCC workforce members have completed annual HIPAA training from 2003 through 2015 using the online program OCCAM. OCCAM was an outdated non-web based program that was no longer being supported by the vendor, was not upgradeable and the training content was obsolete; therefore, County issued a Request for Proposal in August 2015 with Terranova's bid receiving the highest cumulative ranking score. Terranova's training product was the most comprehensive and best fulfilled the County's HIPAA HCC training needs and Terranova was awarded the agreement (Agreement # A-16-032) on January 26, 2016.

Designated County staff worked with Terranova to customize their training product to Fresno County's specific needs and County HCC workforce members have successfully completed HIPAA training using the Terranova Learning Management System (LMS) since 2016. In June 2020, Terranova upgraded their LMS and migrated the County's users to the new LMS, which provides for greater reporting and management capability and also provides new training content, which will keep the training fresh and updated for County users. In addition, the new LMS contains fifteen (15) new 2 to 3 minute Micro-learning modules and sixteen (16) new 1 to 2 minute Nano-learning modules that can be made available to users on topics such as Malware - Risky USB, Web Phishing, Being Security Aware, and Protecting Sensitive Information - Information Handling.

The Department determined that Terranova possesses the quality service, product, and experience to continue to provide the necessary HIPAA and HITECH training services necessary for the County to comply with 45 Code of Federal Regulations §164.530(b)(1).

With your Board's approval, the recommended Agreement is for a three-year base term with two optional 12-month extensions for a total of five years. The Agreement authorizes the Director of Public Health, or designee, to execute written approval on behalf of the County to extend the Agreement through January 25, 2026, upon satisfactory performance by the contractor. The Agreement may be terminated by either party without cause upon issuance of a 30-day written notice of termination to the other party.

REFERENCE MATERIAL:

BAI #33, January 26, 2016

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with Terranova Worldwide Corporation

On file with Clerk - Suspension of Competition Acquisition Request

CAO ANALYST:

Raul Guerra