

MINUTES
SELECT BOARD
TOWN OF PETERBOROUGH
Tuesday, August 5th, 2014 – 5:00pm
1 Grove Street, Peterborough, New Hampshire

Present: Barbara Miller, Liz Thomas, Tyler Ward

Also Present: Pamela Brenner, Nicole MacStay, Seth MacLean, Ed Walker, Scott Guinard, Fash Farashahi, Paul Waterman, Andrea Caldwell, Bruce Batten, Carol Monroe, John Vance, Joel Heberman, Tracy Messer

Chair Miller called the meeting to order at 5:00pm.

Appointments:

The board discussed the appointments of Bruce Batten to the Heritage Commission, and Andrea Caldwell to the Agricultural Commission.

Chair Miller made a motion to appoint Andrea Caldwell to the Agricultural Commission; Mr. Ward seconded. Chair Miller, Mr. Ward, and Ms. Thomas voted in favor of the motion; the motion carried.

Mr. Ward made a motion to appoint Bruce Batten to the Heritage Commission; Chair Miller seconded. Mr. Ward, Chair Miller, and Ms. Thomas voted in favor of the motion; the motion carried.

Concern with Vehicular Noise:

Peterborough resident Paul Waterman asked the board to consider looking into ways to mitigate noise being generated from “straight-pipe motorcycles” and “j-brake” diesel trucks. He feels as though vehicle noise has become an increasing problem over the years, and suggested forming an ad-hoc committee to discuss, research, and seek the advice of professionals to determine whether something can be done.

Chief Guinard reviewed NH RSA Chapter 266:59 IV relative to the use of straight-pipe exhaust system. He reiterated that it is illegal to use this type of exhaust system, and added that the enforcement is a challenge for law enforcement throughout the state.

Chair Miller suggested that this issue go before the planning board, and that the formation of an ad-hoc committee to discuss and study noise in the town should be considered. She noted that the board would get back to Mr. Waterman regarding his complaint.

NH Fast Roads:

Ms. Brenner opened this agenda item by noting that staff had drafted a memo regarding broadband in Peterborough. She added that the memo is posted on the town’s website.

Carol Monroe of NH Fast Roads provided an overview of the Fast Roads broadband project in NH, including; financing, educational materials, program goals and limitations, and an overview of that various types of high-speed internet options available in the state. She concluded her presentation with suggestions of how Peterborough can better equip itself to be ready to take advantage of broadband expansion, including; grant readiness, zoning that allows for expansion, knowing the needs of local businesses, and pole access and build time considerations.

HIPAA Policy Update:

Chief Ed Walker gave a presentation relative to updates that the Fire Department recently made to the HIPAA policy. He added that this is necessary, as the Peterborough FD is a healthcare provider. The

overarching purpose of the revisions to the HIPAA policy was to ensure that they were aligned with federal requirements, but also drafted so that they were congruent with the nuances of Peterborough. As part of this update, Chief Walker described two important components; ensuring unauthorized individuals are unable to get access to private information, and to ensure that data the FD collects isn't accessible to the public. Chief Walker discussed the training that staff would go through to get up to speed on the policy; authorization that will be obtained from patients; and, the encryption that will prevent a data breach.

The board considered the following declaration:

WHEREAS, the United States enacted the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and the Health Information Technology Economic and Clinical Health Act of 2009 ("HITECH") to protect patient health information ("PHI").

WHEREAS, HIPAA and HITECH permit a "covered entity" that performs both covered and non-covered functions under HIPAA and HITECH to designate itself as a "hybrid entity."

WHEREAS, HIPAA and HITECH further permit a "covered entity" to designate "health care components" within the "hybrid entity" to perform covered functions pursuant to 45 C.F.R. § 164.103 and § 164.105(a).

WHEREAS, only designated "health care components" must comply with the standards and requirements of HIPAA and HITECH, except as provided in 45 C.F.R. § 164.105.

WHEREAS, the Peterborough Fire and Rescue Department and the Administration Office perform functions covered under HIPAA and HITECH because they are a health care provider that transmit health information in electronic form in connection with a transaction defined by 45 C.F.R. § 160.103.

WHEREAS, the Town of Peterborough, New Hampshire is a "covered entity" under 45 C.F.R. § 160.103 because the Department of Fire and Rescue and the Administration Office perform covered functions under HIPAA and HITECH.

WHEREAS, other departments within the Town perform non-covered functions under HIPAA and HITECH.

WHEREAS, to designate itself a hybrid entity, the Town must designate and document the departments and offices of the Town that are "health care components."

WHEREAS, the Town after consideration of all relevant information believes that it is in the best interest to declare itself a "hybrid entity" and designate "health care components."

NOW, THEREFORE, BE IT RESOLVED, that the Town of Peterborough hereby designates the Town as a "hybrid entity" pursuant to 45 C.F.R. § 164.103 and §164.105.

RESOLVED, that the Town of Peterborough hereby designates the Peterborough Fire and Rescue Department as a "health care component" with respect to its provision of health care in their emergency medical operations. This designation does not extend to other work performed by the Peterborough Fire and Rescue Department that does not involve the provision of health care.

RESOLVED, that the Town of Peterborough hereby designates the Administration Office as a "health care component" to the extent that it handles PHI for the purposes of billing patients or any other transaction as provided by 45 C.F.R. § 160.103. This designation does not extend to work performed by the Office of Town Administrator that does not involve billing or is not otherwise defined as a transaction pursuant to 45 C.F.R. 160.103.

RESOLVED, that the Town of Peterborough hereby a Town of Peterborough HIPAA Coordinator and Privacy Official. The HIPAA Coordinator and Privacy Official may designate an individual or individuals in

his/her office, in writing, to serve as an additional or substitute Privacy Official(s) or Contact Person(s) that the HIPAA Coordinator and Privacy Official deems necessary from time to time to assist with HIPAA compliance.

RESOLVED, that the Town of Peterborough hereby authorizes and directs the Peterborough Fire and Rescue Department and the Administration Office to adopt HIPAA privacy rules and procedures in compliance with HIPAA and HITECH. The HIPAA Coordinator and Privacy Official shall maintain copies of the HIPAA privacy rules and procedures adopted by the Peterborough Fire and Rescue Department and the Administration Office as those rules and procedures may be amended from time-to-time.

RESOLVED, that the Town of Peterborough hereby authorizes the Town Administrator to institute safeguards and policies to ensure that:

- a. Each designated "health care component" does not disclose PHI to another component of the Town in circumstances that would be prohibited by Subpart E of Title 45, Part 164 of the Code of Federal Regulations if the health care component and the other component were separate and distinct legal entities.
- b. Each designated health care component protects electronic PHI with respect to another component of the Town to the same extent that it would be required under Subpart C of Title 45, Part 164 of the Code of Federal Regulations.
- c. If a person performs duties for both a designated health care component in the capacity of a member of the workforce of such component and for another component of the entity in the same capacity with respect to that component, such workforce member does not use or disclosure PHI created or received in the course of or incident to the member's work for the health care component in a way prohibited by Subpart E of Title 45, Part 164 of the Code of Federal Regulations.

RESOLVED, that the Town shall retain this Resolution for a minimum of six (6) years from the date of adoption by the Board of Selectmen or date when it is last in effect, which is later.

Chair Miller made a motion to declare the Town of Peterborough a hybrid entity for the purposes of the Health Insurance Portability and Accountability Act of 1996, and the Health Information Technology Economic and Clinic Health Act of 2009; Mr. Ward seconded.

Chair Miller, Mr. Ward, and Ms. Thomas voted in favor of the motion; the motion carried.

Peterborough Walking Tour:

Mr. Tracy Messer gave a presentation showcasing his work on a cellphone/web application that will allow residents and visitors easy access to a wide variety of information while walking the downtown; a wide variety of historical information, material about Peterborough's 275 anniversary, lists of restaurants, location of ATMs, and maps. The application will use QR codes, whereby an individual walking downtown would simply take a photo of the QR code to access information specific to the site. The application does not require the use of QR codes, as individuals can access the information in other ways on the application or website. Mr. Messer added that the site will go live soon for the public to test out prior to its official unveiling at Peterborough's 275th anniversary. It can be accessed at the following URL: <http://p1756-7598236.test.toursphere.com>

Mr. Ward added that the town has committed to funding the project for the first year, but that if it is successful there will be other options available in the future to continue its funding.

Approval of Minutes:

Chair Miller made a motion to approve the select board minutes from 7/15/14 and 7/29/14; Ms. Thomas seconded.

Chair Miller, Ms. Thomas, and Mr. Ward voted in favor of the motion; the motion carried.

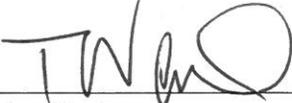
As there was no further business, Ms. Miller made a motion to adjourn the meeting at 6:44pm.

Respectfully Submitted,
Seth MacLean, Intern

PETERBOROUGH
SELECT BOARD:


Barbara A. Miller, Chair


Elizabeth M. Thomas


Tyler Ward

ACTION ITEM PENDING LIST