

CalOHII Statutory Authority

[California Health and Safety Code § 130300 et seq.](#) details the statutory authority and responsibility CalOHII has regarding implementation and compliance with state and federal privacy laws – below is a high-level summary:

- Health and Safety Code § 130303 mandates that CalOHII has “statewide leadership, coordination, policy formulation, direction, and oversight responsibilities for HIPAA implementation and compliance” and “shall exercise full authority relative to state entities to establish policy, provide direction to state entities, monitor progress, and report on implementation and compliance activities.” See Health and Safety Code § 130313 for specific functions performed by CalOHII.
- Health and Safety Code § 130302 defines state entities as “all state departments, boards, commissions, programs, and other organizational units of the executive branch of state government.”
- Health and Safety Code § 130311.5(a) defines CalOHII’s authority to determine which state or federal medical privacy laws must be complied with and which are preempted. “The office shall assume statewide leadership, coordination, direction, and oversight responsibilities for determining which provisions of state law concerning personal medical information are preempted by HIPAA....”
- Health and Safety Code § 130311.5(a)(2) mandates that state entities affected by HIPAA are to “Conform to all determinations made by the office concerning HIPAA preemption issues.”
- Health and Safety Code § 130310 expressly states that “All state entities shall cooperate with the efforts of the office to monitor HIPAA implementation and compliance activities and to obtain information on those activities.”
- Health and Safety Code § 130306 states that CalOHII has the responsibility and authority to conduct ongoing evaluations, monitor state entities, provide technical assistance, and develop uniform state policy regarding HIPAA implementation and compliance with state and federal medical privacy laws.
- Health and Safety Code § 130309 states that all state entities are subject to completing an assessment to determine the impact of HIPAA on their organizations.
- Health and Safety Code § 130311 states that “All state entities affected by HIPAA shall comply with the decisions of the director in achieving compliance with HIPAA.”