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Area HIPAA - Privacy
Applicability USA Health

Minimum Necessary

POLICY STATEMENT:

USA Health will take reasonable steps to limit the use or disclosure of, and request for protected health information ("PHI") to the minimum necessary to accomplish the intended purpose of the use, disclosure, or request, including an evaluation of the use of a "limited data set" where appropriate and will use or disclose a "limited data set" if it is sufficient to carry out the intended purpose. A "limited data set" excludes names, street addresses, social security numbers and other identifiers but is not fully de-identified in accordance with HIPAA standards.

USA Health will continually evaluate internal privacy practices and enhance protections as needed to limit unnecessary or inappropriate access to, disclosure of, and the request for PHI. There are a number of general exceptions to the "minimum necessary" requirements. They are as follows:

- Disclosures to or requests by a health care provider for treatment;
- Uses or disclosures made to the individual or at the request of the individual;
- Uses and disclosures made under an Authorization;
- Uses and disclosures required by Law;
- Disclosures made to the Department of Health and Human Services ("HHS") related to the compliance and enforcement of the Privacy Rules and the other provisions of HIPAA; and
- Use and/or disclosures required for compliance with HIPAA.

POLICY STANDARDS:

1. **Use of PHI**
 - a. General Standard for Use of PHI

For uses of PHI by our Workforce, USA Health System Divisions, Departments, and Components will:

- Identify the persons or groups of persons who need access to PHI to carry out their job function;
- Identify the type of PHI to which each person or group needs access, as well as the conditions under which they need access; and
- Make reasonable efforts to limit the access to only the information appropriate for the job requirements.

2. Workforce Member Access

Health information may only be accessed, used or disclosed by authorized personnel. With the exception of the use and disclosure of health information directly related to treatment and to the extent practical, health information accessed by our Workforce or other authorized personnel is restricted to the minimum necessary to execute their job responsibilities. It is the responsibility of each division, department, or component to identify those persons or classes of persons who are authorized to access, use or disclose health information and specifically identify what health information they may access.

3. Disclosure of PHI

- a. *General Standards for PHI Disclosures.* We may reasonably rely on a request for disclosure as being for the minimum necessary amount of information if:
- The disclosure is to a public official for public health activities and the public official represents that the request is for the minimum necessary information;
 - The disclosure is in response to a request from another covered entity;
 - The disclosure is in response to a request from a professional of our Workforce, our OHCA, or from a Business Associate in order to provide a professional service to us and the professional or Business Associate represents that the request is for the minimum necessary information; or
 - The disclosure is in response to a request for information and the requestor provides documentation or representation from an Institutional Review Board or Privacy Board that meets the requirements for disclosure of PHI for research purposes.
- b. *Routine Disclosures.* For routine or recurring disclosures of PHI, we will:
- Identify the type of PHI to be disclosed;
 - Identify the type of person(s) who will receive the PHI;
 - Identify the condition that would apply to such disclosure; and
 - Identify if a limited data set would serve the intended purpose of the request.
- **Business Associates**
We will limit the disclosure of PHI to Business Associates to the information necessary for the Business Associate to perform services for

us. Each contract with a Business Associate should contain sufficient terms and provisions to identify the type of information necessary for the arrangement.

- **Judicial and Administrative Proceedings.** We will limit the disclosure of PHI in judicial and administrative proceedings to that expressly authorized and sought in connection with the proceeding. (See Policy: **Use and Disclosure of PHI Without Patient Authorization or Opportunity to Verbally Agree or Object**)
- **Life Insurance Requests**
Requests for information relative to applying for life insurance shall be completed in accordance with the specific authorization. As a general rule, the information provided will include discharge summary, face sheet, history and physical examination, unless specific information is set forth in the **HIPAA Authorization for Use and/or Disclosure of PHI** form.
- **Disability Insurance Requests**
Requests for information related to establishing a disability shall be completed in accordance with the specific Authorization. As a general rule, the information provided will include discharge summary, face sheet, history and physical examination, unless specific information is set forth in the **HIPAA Authorization for Use and/or Disclosure of PHI** form.

c. *Non-routine Disclosures.* For non-routine or non-recurring disclosures, USA Health will:

- Develop reasonable criteria to limit the amount of PHI disclosed to the minimum necessary to accomplish the purpose of the disclosure;
- Determine if a "limited data set" will serve the intended purpose of the request;
- Use the criteria to review these disclosures on a case-by-case basis; and
- All non-routine disclosures should be handled by the appropriate manager, in consultation with the Office of HIPAA Compliance as necessary.

4. Requests for PHI

USA Health will limit any request for PHI from another health care provider, health plan or health care clearinghouse to that which is reasonably necessary to accomplish the purpose for which the request is made. However, requests made for treatment purposes are not subject to the minimum necessary standard.

a. *Routine Requests*

For routine or recurring requests, USA Health will describe what information is reasonably necessary for the purpose of the request and limit the request for PHI to that information.

b. *Non-Routine Requests*

For non-routine or non-recurring requests, USA Health will develop reasonable criteria to limit the amount of PHI requested to the minimum necessary to accomplish the purpose of the request; and use the criteria to review these requests

on a case-by-case basis to determine if a "limited data set" will accomplish the purpose for which the request is made for non-treatment related requests.

5. Entire Medical Record

USA Health will limit any request for PHI to that which is reasonably necessary to accomplish the purpose for which the request is made. However, requests made for treatment purposes are not subject to the minimum necessary standard. USA Health will only release the entire medical record in those instances when the entire medical record is justified as reasonably necessary.

Original Policy No: HIPAA Privacy 006

Approval Signatures

Step Description	Approver	Date
	William Grete: Chief Legal Counsel	10/2021
Director, HIPAA	Linda Hudson: Chief HIPAA Compliance Officer	10/2021

Applicability

USA Health, USA Health Children's & Women's Hospital, USA Health Mitchell Cancer Institute, USA Health Physician Enterprise, USA Health Providence, USA Health University Hospital