
OAK HILL

Effective Date: April 14, 2003

Revised: September 30, 2010

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| <p><u>SUBJECT:</u> Use and Disclosure of Protected Health Information Subject to the Minimum Necessary Requirement</p> |
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PURPOSE:

The purpose of this policy is to ensure that Oak Hill complies with applicable laws that require Oak Hill to make reasonable efforts to limit protected health information used, disclosed, or requested to the minimum necessary for the intended purpose.

POLICY:

It is the policy of Oak Hill that when using, disclosing, or requesting protected health information, reasonable efforts be made to limit the amount of protected health information to the minimum necessary for the intended purpose. To the extent practicable, any use, disclosure, or request for PHI is limited to PHI in a “limited data set” as required by the federal government. For additional information regarding “limited data sets”, see Policy 16.

PROCEDURES:

1. **Minimum Necessary.**
 - a) *When Minimum Necessary Standard Applies.* When using or disclosing protected health information or when requesting protected health information from another entity, Oak Hill will make reasonable efforts to limit the amount of protected health information to the minimum necessary to accomplish the intended purpose of the use, disclosure, or request. Oak Hill may only use, disclose, or request all of the information contained in the medical record when the entire medical record is demonstrated to be reasonably necessary to accomplish the purpose of the use, disclosure, or request. The following uses and disclosures are exempt from the minimum necessary requirement:
 - i) Disclosures to or requests by a health care provider for treatment;
 - ii) Uses or disclosures made to an individual who is the subject of the protected health information;
 - iii) Uses or disclosures made pursuant to an authorization;

- iv) Disclosures made to the Secretary of the United States Department of Health and Human Services; and
 - v) Uses or disclosures that are required or permitted by law as confirmed with the Privacy Officer.
2. **Oak Hill's Workforce Members.** The following categories of Workforce Members shall have complete access to PHI for the purposes of treatment, payment or operations: all direct care staff; all program managers and supervisors; teachers; all clinical and therapeutic staff; administrators for Community Programs, Oak Hill School and the NEAT Center; all employees in the Finance Department. Members of the Senior Management Cabinet and their staff, and the Director of Human Resources and Assistant Director of Employment and Employee Relations, shall have access to PHI consistent with the "minimum necessary" standard.
3. **Disclosures.**
- a) *Routine and Recurring.* Routine and recurring disclosures of protected health information by Oak Hill that are approved in advance by the Privacy Officer shall be limited to the amount of protected health information reasonably necessary to achieve the purpose of the disclosure.
 - b) *Non-routine or recurring disclosures.* The Privacy Officer shall review each request for non-routine disclosure on a case-by-case basis.
 - c) *No determination needed.* Oak Hill may rely, if such reliance is reasonable under the circumstances as determined by the Privacy Officer, on a requested disclosure as the minimum necessary for the stated purpose when:
 - i) Making disclosures to public officials if the public official represents that the information requested is the minimum necessary for the stated purpose;
 - ii) The information is requested by another entity that must be HIPAA compliant;
 - iii) The information is requested by a workforce member of Oak Hill or a business associate of Oak Hill for the purposes of providing services to Oak Hill using protected health information, if the workforce member of Oak Hill or the business associate of Oak Hill represents that the requested information is the minimum necessary for the stated purposes; and

4. **Requests.**

- a) *Routine and Recurring.* Routine and recurring requests of protected health information by Oak Hill that are approved in advance by the Privacy Officer shall be limited to the amount of protected health information reasonably necessary to achieve the purpose of the request.
- b) *Non-routine or recurring requests.* The Privacy Officer shall review each request on a case-by-case basis.

Effective Date: October 29, 2010

SUMMARY
MINIMUM NECESSARY

To identify minimum necessary requirements with respect to a request for, or the use and disclosure of PHI.

- A. **Generally.** When using or disclosing PHI or when requesting PHI from another entity, Oak Hill must make reasonable efforts to limit PHI to the minimum necessary to accomplish the intended purpose of the use, disclosure, or request. When the minimum necessary requirement applies, Oak Hill may not use, disclose or request an entire medical record, except when the entire medical record is specifically justified as the amount reasonably necessary to accomplish the purpose of the use, disclosure, or request.
- B. **Exempt Uses and Disclosures.** The minimum necessary standard does not apply to:
1. Disclosures to or requests by a health care provider for treatment;
 2. Uses or disclosures made to the individual who is the subject of the PHI;
 3. Uses or disclosures made pursuant to an authorization;
 4. Disclosures made to the Secretary of the United States Department of Health and Human Services;
 5. Uses or disclosures that are required by law.
- C. **Requirements for Use of PHI.** Oak Hill must identify and make reasonable efforts to limit access to PHI:
1. To those persons or classes of persons, as appropriate, in its workforce who need access to protected health information to carry out their duties; and
 2. For each person or class of persons, to the category or categories of PHI for which access is needed subject to any conditions appropriate to such access.
- D. **Requirements for Disclosure of PHI.**
1. For routine and recurring disclosures, Oak Hill must implement policies and procedures that limit the amount of PHI disclosed to the amount reasonably necessary to achieve the purpose of the disclosure. For all other disclosures, Oak Hill must:

- (a) Develop criteria designed to limit the PHI disclosed to the information reasonably necessary to accomplish the purpose for which disclosure is sought; and
 - (b) Review requests for disclosure on an individual basis in accordance with such criteria.
2. Oak Hill may rely, if reasonable under the circumstances, on a requested disclosure as the minimum necessary when:
- (a) Making disclosures to public officials if the public official represents that the information requested is the minimum necessary for the stated purpose(s);
 - (b) The information is requested by another covered entity;
 - (c) The information is requested by a professional of Oak Hill or a business associate of Oak Hill for the purpose of providing services to Oak Hill using PHI, if the professional or business associate represents that the information requested is the minimum necessary for the stated purpose(s); or
 - (d) Documentation or representations that comply with research requirements have been provided by a person requesting the information for research purposes.

E. **Requirements for Requests of PHI.** When requesting PHI from other covered entities, Oak Hill must limit any request for PHI to that which is reasonably necessary to accomplish the purpose for which the request is made.

1. For a request that is made on a routine and recurring basis, Oak Hill must implement policies and procedures (which may be standard protocols) that limit the PHI requested to the amount reasonably necessary to accomplish the purpose for which the request is made. For all other requests, Oak Hill must:
- (a) Develop criteria designed to limit the request for PHI to the information reasonably necessary to accomplish the purpose for which the request is made; and
 - (b) Review requests for disclosure on an individual basis in accordance with such criteria.