

## Subject: Minimum Necessary Information (Page 1 of 4)

### Objective:

- I. To improve the privacy of individuals' information as it is used or disclosed by Health Share/Tuality Health Alliance (THA) employees throughout the course of their work.
- II. To ensure that THA employees have access to the minimum information necessary to accomplish organizational mission, goals, and objectives.

### Policy:

#### I. General Overview

- a. THA staff will use and disclose only the minimum amount of information necessary to provide services and benefits to individuals, and only to the extent provided in THA policies and procedures.
- b. This policy does not apply to:
  - Disclosures between THA and a healthcare provider as these disclosures pertain to treatment;
  - Disclosures made to an individual about his or her own protected information;
  - Uses or disclosures authorized by the individual as these disclosures are within the scope of the authorization;
  - Disclosures made to the United States Department of Health and Human Services (DHHS) Office of Civil Rights, in accordance with Subpart C of Part 160 of HIPAA;
  - Uses or disclosures that are required by law; and
  - Uses or disclosures that are required for compliance with the HIPAA Transaction Rule – the minimum necessary standard does not apply to the required or situational data elements specified in the implementation guides under the Transaction Rule.

#### II. Minimum Necessary Information

- a. When THA policy permits use or disclosure of an individual's information to another entity, or when THA requests an individual's information from another entity, THA staff must make reasonable efforts to limit the amount of information to the minimum amount necessary to accomplish the intended purpose of the use, disclosure, or request.
- b. If THA policy permits making a particular disclosure to another entity, THA staff may rely on a requested disclosure as being the minimum necessary for the stated purpose when:
  - Making disclosures to public officials as permitted under 45 CFR 164.512 and *THA Policy II-3: Uses and Disclosures of Health Information* – a "public official" is any employee of a government agency who is authorized

**Subject: Minimum Necessary Information (Page 2 of 4)**

to act on behalf of that agency in performing the lawful duties and responsibilities of that agency;

- The information is requested by another “covered entity” under the HIPAA rules – a “covered entity” is a health plan, a healthcare provider who conducts electronic transactions, or a health care clearinghouse.
- The information is requested by a professional who is a member of the workforce of a “covered entity” or is a business associate of the “covered entity” for the purpose of providing professional services to the “covered entity”; or
- Documentation or representations that comply with the applicable requirements of THA policy have been provided by a person requesting the information for research purposes.

III. Employee Access to and Use of Information

- a. THA will establish job-specific categories that identify the types of information necessary for staff to do their jobs (e.g., information accessible by computer, information kept in files, etc.). THA job-specific categories will further identify any conditions appropriate to information access.
- b. THA staff will not access their own personal protected health information. Likewise, any access to records of friends and relatives for personal use is not appropriate. Release of information must be obtained from TCH Medical Records prior to obtaining any protected health information.

IV. Routine Disclosure of Information

- a. For the purposes of this policy, “routine” refers to the disclosure of records outside of THA that occur without the authorization of the associated member/individual and in a manner that is compatible with the purpose for which the information was collected.
- b. THA will not disclose an individual’s entire medical record unless the request specifically justifies why the entire medical record is needed.
- c. Routine uses include disclosures required by law.
- d. If THA deems it necessary, THA may disclose information as “routine use” to the Oregon Department of Justice for the purpose of obtaining its advice and legal services.
- e. When Federal or State agencies such as the DHHS Office of Civil Rights, the DHHS Office of Inspector General, the State of Oregon Medicaid Fraud Unit, or the Oregon Secretary of State have the legal authority to require THA to produce records necessary to carry out audit or oversight activities, THA will make such records available as a “routine use”.
- f. When the appropriate THA staff determines that records are subject to disclosure under the Oregon Public Records Law, THA may make the disclosure as a “routine use”.

**Subject: Minimum Necessary Information (Page 3 of 4)**

- V. Non-Routine Disclosure of Information
- a. For the purpose of this policy, “non-routine disclosure” refers to the disclosure of records outside of THA in a manner that is not consistent with the purpose for which the information was collected.
  - b. THA will not disclose an individual’s entire medical record unless the request specifically justifies why the entire medical record is needed and applicable laws and policies permit the disclosure of all the information in the medical record to the requestor.
  - c. For non-routine disclosures, THA will:
    - Implement procedures to limit the information disclosed to only the minimum amount of information necessary to accomplish the purpose for which the disclosure is sought; and
    - Review requests for non-routine disclosures on an individual basis in accordance with such procedures.
- VI. THA Request for Information from another Entity
- a. When requesting information about an individual from another entity, THA staff must limit requests to those that are reasonably necessary to accomplish the purpose for which the request is made.
  - b. THA will not request an individual’s entire medical record unless THA can specifically justify why the entire medical record is needed.

**References:** 45 CFR Parts 160 and 164  
DMAP Policy AS-100-04 Minimum Necessary Information  
THC Policy O-97B Levels of Access to PHI and Minimum Necessary Requirements

Formulated:	February 2003
Reviewed:	September 2010 September 2013 September 2015
Revised:	November 2007