

<p>WEBER HUMAN SERVICES</p>	<h1>Policy &amp; Procedure</h1>	<p>NUMBER 03</p>
	<p>HIPAA / PRIVACY</p> <h2>MINIMUM NECESSARY OF PHI</h2>	<p>APPROVED 2/21/2014</p>
		<p>REVIEWED</p>
		<p>REVISED 5/11/2017</p>

**PURPOSE :**

To provide guidance with the identification of persons within the organization that need access to PHI to perform their job. Only the information needed to deliver the healthcare service required shall be used for that business service.

**POLICY:**

When using or disclosing Protected Health Information (PHI), or when requesting PHI, Weber Human Services will make reasonable efforts to limit the PHI used, disclosed, or requested, to the minimum necessary.

**PROCEDURES:**

1. **When the Minimum Necessary Standard Does Not Apply.** The use and disclosure of client PHI minimum necessary standard does not apply in the following circumstances:
  - a. the PHI is for use by or a disclosure to a healthcare provider for treatment purposes;
  - b. the disclosure is to the client or the client's legally authorized representative,
  - c. the disclosure is pursuant to a valid authorization, in which case, the disclosure will be limited to the PHI specified on the authorization;
  - d. the disclosure is to the Secretary of Health and Human Services; or
  - e. the disclosure is required by law.
2. **Requests for PHI.** The Records Department is responsible for reviewing *requests for PHI* external sources to determine whether the request is one to which the Minimum Necessary Standard applies.
  - a. If the request is made by another health care provider in order to obtain PHI necessary to treat the client, the Minimum Necessary Standard does not apply, and the PHI that is requested will be released as quickly as possible.
  - b. If the request is not made for purposes of providing treatment to the client, but it is also a type of request to which the Minimum Necessary Standard does not apply, the Department will release the PHI in accordance with the policies of the Facility.
  - c. If the request is not made for purposes of providing treatment to the client, and it is a type of request to which the Minimum Necessary Standard applies, the Records Department will:

- i. Evaluate to determine that the request includes a statement of purpose and release only the minimum amount of information necessary to meet the purpose of the request; or
    - ii. if the request does not include a statement of purpose, contact the requester to obtain the purpose for the request, document the contact, and take the appropriate action.
3. **Requesting PHI.** Weber Human Services will request only the minimum amount of PHI necessary to accomplish the purpose for which the request is made.
  - a. Any questions about how to limit a request for PHI to request for only the minimum amount necessary should be directed to the Privacy Officer.
  - b. The HIPAA Privacy Officer is responsible for conducting audits on an "as needed" basis to confirm the Facility is in compliance with the Minimum Necessary Policy.
4. **Determining Minimum Necessary.** The Facility will rely on requests for PHI as requesting only that PHI that is minimally necessary to meet the purpose of the request if:
  - a. the request is from a public official and the public official represents that the information requested is the minimum necessary for the stated purpose(s);
  - b. or the information is requested by another covered entity (health care provider, health care clearinghouse, or health plan); or
  - c. the information is requested by an employee or a business associate of the Facility and the individual represents that the information requested is the minimum necessary for the stated purpose(s); or
  - d. the information is for research purposes and is requested in accordance with and in the required legal format specified by law and has been approved by an IRB.
5. **Responses to Requests for PHI.** If a request for PHI is reviewed to determine whether the Minimum Necessary Standard applies to it, but it is then forwarded to someone else at the Facility for processing, the individual forwarding the request is responsible for advising the individual who will respond to the request whether the Minimum Necessary Standard applies. The person who responds to a request for PHI to which the Minimum Necessary Standard applies is responsible to determine that the PHI disclosed is limited to the minimum amount of information necessary to meet the stated purpose of the request.