

TITLE

Minimum Necessary Standards for Uses and Disclosures of Protected Health Information

PURPOSE

In accordance with 45 CFR § 164.502(b), this procedure provides guidance to The University of Arizona (UA) Health Care Components (HCCs) regarding proper implementation of the Minimum Necessary Standard for the use and disclosure of Protected Health Information (PHI).

REVIEW/REVISIONS

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- 06/2015

REFERENCES AND RELATED FORMS

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- Capitalized terms are defined in HIPAA Privacy Program Guidance (Definitions of Key Words) and 45 CFR Parts 160 and 164

PROCEDURES

HCCs that are Health Care Providers may use and disclose such PHI that they deem properly necessary for the treatment of their patients. Non-providers must restrict their use and disclosure of PHI to the amount reasonably necessary to achieve the purpose of the use or disclosure. Generally, HCCs may not request an entire medical record unless the entire medical record is specifically justified as the amount that is reasonably necessary for the HCC to accomplish the purpose of the request.

1. The Minimum Necessary Standard applies in three circumstances:
 - a. When using PHI internally;
 - b. When disclosing PHI to an external party in response to a non-treatment related request; and
 - c. When requesting PHI from another covered entity.
2. When the Minimum Necessary Standard Does Not Apply:
 - a. Disclosures to or requests by a health care provider for treatment purposes (note: a provider's internal uses of PHI for treatment are subject to the Minimum Necessary Standard);
 - b. Uses or disclosures made to the individual to whom the PHI pertains, including in a response to a request for access or an accounting;
 - c. Uses or disclosures made pursuant to a valid Authorization;
 - d. Disclosures made to the Secretary of the Department of Health and Human Services for the purposes of compliance and enforcement of HIPAA;
 - e. Uses or disclosures that are required by law; and
 - f. Uses or disclosures required for compliance with the HIPAA Privacy Regulations.

3. Restricted Levels of Access: HCCs must provide access to PHI to HCCs of the Workforce only to the extent that such access is necessary for them to carry out their duties. Access to PHI is restricted based on the employee's work duties as they relate to patient treatment, billing and payment for treatment and the performance of health care operations. Restrictions are established for PHI in electronic, hard copy and oral formats.