

UTAH STATE DEVELOPMENTAL CENTER POLICY AND PROCEDURE MANUAL		
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DIRECTIVE: 70.	EFFECTIVE DATE: April 14, 2003	REVISION DATE: 9/20/2010
REVIEWING ENTITY: HIPAA COMMITTEE		
PURPOSE: Protected health information should not be accessed, acquired, used or disclosed when it is not necessary for a particular function or purpose.		
AUTHORITY REFERENCE: HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT OF 1996, 45 C.F.R. § 164 and “Health Information Technology for Economic for Clinical Health Act” (HITECH). See American Recovery and Reinvestment Act of 2009, § 13400 (P.L. 111-115); 45 CFR § 164.400 -164.414.		

Policy

1. General

- a. When using or disclosing protected health information, or when requesting protected health information from another covered entity, Utah State Developmental Center (USDC) will make reasonable efforts to limit protected health information to the minimum necessary to accomplish the intended purpose of the use, disclosure or request.
- b. The requirement for limiting uses and disclosures to the minimum necessary does not apply to:
 - i. Disclosures to or requests by a health care provider for treatment;
 - ii. Disclosures made to the individual about his or her own protected information;
 - iii. Uses or disclosures authorized by the individual in writing that are within the scope of the authorization;
 - iv. Disclosures made to the United States Department of Health and Human Services (DHHS), Office of Civil Rights, when disclosure is required under the Privacy Rule for enforcement purposes;
 - v. Uses or disclosures that are required by law; and
 - vi. Uses or disclosures that are required for compliance with the HIPAA Transaction Rule.

2. Minimum Necessary disclosures

- a. USDC employees may rely on a requested disclosure as being the minimum necessary for the stated purpose when:
 - i. Making disclosures that are permitted without authorization to public officials if the public official represents that the information requested is the minimum necessary for the stated purpose(s). For more information regarding disclosures without authorization refer to the Use and Disclosure of Protected Health Information policy. A “public official” is any employee of a government agency who is authorized to act on behalf of that agency in performing the lawful duties and responsibilities of that agency.
 - ii. The information is requested by another entity that is a “covered entity” under the HIPAA Privacy rules. A “covered entity” is a health plan, a health care provider who conducts electronic transactions, or a health care clearinghouse;
 - iii. The information is requested by a professional who is a member of the workforce of the USDC or is a business associate of the USDC for the purpose of providing professional services to the “covered entity,” if the professional represents that the information requested is the minimum necessary for the state purpose(s); or
 - iv. The disclosure is for research purposes, and the person requesting the disclosure has provided documentation that complies with the Uses and Disclosures for Research Purposes policy.

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- b. USDC is not required to rely on a requested disclosure as being the minimum necessary if such reliance does not appear reasonable under the circumstances.

3. Access & uses of information.

- a. USDC will identify the employees or classes of employees who need access to protected health information to carry out their duties.
- b. For each person or class of persons, USDC will identify the categories of protected health information to which access is needed, and identify any conditions appropriate to the access.

4. Criteria for disclosure of an individual's information.

- a. Unless another policy more specifically applies, the USDC Privacy Officer shall develop criteria designed to limit the protected health information disclosed to the information reasonably necessary to accomplish the purpose for which disclosure is sought. Requests for disclosure shall be reviewed on an individual basis in accordance with such criteria.

5. Requesting an individual's information from another entity.

- a. When requesting information about an individual, employees must limit requests to those that are reasonably necessary to accomplish the purpose for which the request is made, in accordance with criteria designed to limit the request for protected health information to the information reasonably necessary to accomplish the purpose.
- b. USDC will not use, disclose, or request an individual's entire medical record unless it is specifically justified that the entire medical record is reasonably necessary to accomplish the purpose of the use, disclosure, or request.

Karen A. Clarke, Superintendent