

MINIMUM NECESSARY

1. **Use and Disclosure.** We must make reasonable efforts to use, to disclose, and to request of another covered entity only the minimum necessary protected health information to accomplish the intended purpose. There is no minimum necessary limitation for:

- Disclosures to or requests by a health care provider for treatment (if the hospital reasonably believes the requestor is providing health care to the patient).
- Uses with and disclosures to an individual (or the individual's personal representative).
- Uses and disclosures authorized by an individual (or the individual's personal representative).
- Disclosures to HHS for complaint investigations or compliance enforcement or review.
- Uses and disclosures required by law.

POLICY - Workforce Use. We must make reasonable efforts to limit access to and use of protected health information by our workforce members to the minimum necessary to perform their duties. A member of our workforce may access and use only the minimum necessary protected health information reasonably needed to perform the member's duties for our organization.

Our Privacy Officer, working with the managers of each department, will identify and document:

- Those workforce members (or classes of workforce members) who need access to protected health information to perform their duties.
- The categories of protected health information needed by each of these workforce members (or those classes of workforce members) to perform those duties.
- The conditions, if any, appropriate to each workforce member's access to those categories of protected health information.

POLICY - Routine and Recurring Disclosures or Requests. We will follow our standard protocols for determining the minimum necessary protected health information for routine or recurring disclosures of and requests for protected health information to which the minimum necessary limitation applies.

Our Privacy Officer, working with the managers of each department, will identify and document:

- The routine and recurring disclosures or requests for protected health information.
- The categories of protected health information needed to accomplish the purpose of each of these disclosures or requests.
- The conditions, if any, appropriate to each disclosure or request for those categories of protected health information.

PROCEDURE – Routine or Recurring Disclosures

Release of information for treatment purposes is excluded from the minimum necessary rules. Any health care provider who is treating the patient may receive PHI, to the extent they need to know the information, with the following exceptions:

- Any restrictions that the hospital has agreed to
- Psychotherapy notes – which require an authorization.

POLICY - Non-Routine or Non-Recurring Disclosures or Requests. For any disclosure of or request for protected health information (a) to which the minimum necessary limitation applies and (b) that our Privacy Officer has not identified and documented as routine or recurring, we will apply our criteria to the particular situation to limit the protected health information we disclose or request to the minimum reasonably necessary to accomplish the purpose of the request or disclosure.

PROCEDURE

The following are examples of disclosures or requests of PHI that you may encounter on a nonroutine basis:

- Subpoenas and/or court orders
- Investigations by law enforcement
- Abuse, neglect or domestic violence investigations
- Workers' compensation
- Regulatory or professional licensure reviews
- See other examples in RCW 70.02.050 (1) (b-k)

For each type of nonroutine disclosure or request described in your procedures, consider the following elements and issues:

- Review the request to determine if patient authorization or a subpoena or court order is required
- In the case of state court subpoena, determine whether the 14 day advance notice requirement was satisfied.
- Verify the identity of the requestor or investigator and their authority.
- Prior to disclosure, review requested PHI to determine if the information requested is the minimum necessary for the purpose of the disclosure.

POLICY - Entire Medical Records. We will not use, disclose, or request an entire medical record, except as permitted in procedures that our Privacy Officer adopts reflecting those situations where the entire medical record is the amount reasonably necessary for the purpose.

We will provide access to the entire medical record only to those persons or classes of persons that our procedures identify as needing the entire medical record and only in accordance with conditions established by our procedures.

POLICY - Documentation. The Privacy Officer will retain, on paper or electronically, the documentation we obtain or receive in connection with our minimum necessary determinations until 6 years after the later of its creation or last effective date.