

PATHWAYS CMH

PROCEDURE TITLE: Minimum Necessary Information Procedure - Appendix 3 of Privacy Policy	CATEGORY: Recipient Rights
EFFECTIVE DATE: April 14, 2003	BOARD APPROVAL DATE: April 14, 2003
REVIEWED DATE: June 2013; July 11, 2014; May 5, 2015; April 22, 2016; April 15, 2017	REVISION(S) TO PROCEDURE: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
RESPONSIBLE PARTY/APPROVAL: Recipient Rights Supervisor or Designee/ Mary J. Swift, CEO	

PURPOSE:

Pathways will make all reasonable efforts not to use or disclose more than the minimum amount of Protected Health Information (PHI) necessary to accomplish the intended purpose of the use or disclosure. Pathways also warrants that it will limit any request for PHI to that which is reasonably necessary to accomplish the purpose for which the request is made, when requesting such information from other covered entities. This requirement does not apply to the following uses and disclosures:

1. Disclosures made to the recipient.
2. Mandatory disclosures where consent or authorization are not required by law.
3. To the Secretary of CMS in accordance with 45 CFR Part 160, Subpart C.
4. Made pursuant to an authorization.

PROCEDURES:

1. Pathways must identify those persons or classes of persons in its workforce who need access to PHI to carry out their duties. For each such person or class of persons, Pathways must identify the category or categories of PHI to which access is needed and any conditions appropriate to such access. Pathways must make reasonable efforts to limit the access of such individuals or classes to the degree of access and the conditions placed thereon.
2. Supervisors will determine the amount of information staff need to accomplish their job.
3. Access will be terminated when an employee departs from the agency.

These categories of staff include but are not limited to the following:

- Social Workers
- Medical Doctors
- Nurses
- Specialty Staff, i.e., OT, PT, Dietitian, Speech Therapist
- Paraprofessional Staff
- Administrative Staff
- Any Other Staff with a Need to Know

The Personnel Office will work in conjunction with supervisors to determine the access levels appropriate based on job function and duties. Any new hires, status changes, or

termination of employment will be logged in the New Use Database. This logging will assist the Information Technology Department in adding, modifying, or deleting access of employees, volunteers, or agents to electronic systems.

4. Medical Records Supervisor/designee must implement policies and procedures, which may be standard protocols for routine and recurring uses and disclosures that limit the PHI to that reasonably necessary to achieve the purpose of the disclosure.
5. For all other disclosures, which are non-routine, Medical Records Supervisor/designee must take the following steps:
 - Develop criteria designed to limit the PHI disclosed to the information reasonably necessary to accomplish the purpose for which disclosure is sought.
 - Review requests for disclosure on an individual basis in accordance with such criteria.
6. Pathways Personnel may rely, if such reliance is reasonable under the circumstances, on a requested disclosure as the minimum necessary for the stated purpose in the following circumstances:
 - When making disclosures to public officials that are permitted under Pathways policies and procedures, if the public official represents that the information requested is the minimum necessary for the stated purpose.
 - When the information is requested by a professional who is Pathways Personnel or is a business associate for the purpose of providing professional services to Pathways, if the professional represents that the information requested is the minimum necessary for the stated purpose(s).
7. For all uses, disclosures, or requests to which the minimum necessary rule applies, Pathways may not use, disclose, or request an entire medical record, except in cases which the entire medical record is justified as the amount that is reasonably necessary to accomplish the purpose of the use, disclosure, or request.

REFERENCES:

Act 258 of the Public Acts of 1974, as amended (Michigan Mental Health Code) Sections 748, 748 (a), and 750.

45 CFR Part 164 section 502 (b) and 514 (d) (3).

42 CFR Part 2 section 2.12