

# ASANTE® News

ASANTE ASHLAND COMMUNITY HOSPITAL | ASANTE PHYSICIAN PARTNERS | ASANTE ROGUE REGIONAL MEDICAL CENTER | ASANTE THREE RIVERS MEDICAL CENTER

## Compliance Corner: HIPAA's "Minimum Necessary"

HIPAA regulations require that when patient health information must be disclosed, only the "minimum necessary" for that allowable purpose should be revealed. So what does that mean to those in health-care occupations?



The minimum necessary standard – a key protection of the HIPAA Privacy Rule – is derived from confidentiality codes and practices in common use today. It is based on current practice that protected health information should not be used or disclosed when it is not necessary to satisfy a particular purpose or carry out a function. It requires Asante to evaluate its practices and enhance safeguards as needed to limit unnecessary or inappropriate access to and disclosure of protected health information. The Privacy Rule's minimum necessary requirements are designed to be flexible enough to accommodate the various

circumstances our health-care employees may encounter.

The Privacy Rule requires Asante to take reasonable steps to limit the use or disclosure of – and requests for – protected health information to the minimum necessary to accomplish the intended purpose. The minimum necessary standard does **not** apply to the following:

- Disclosures to or requests by a health-care provider for treatment purposes
- Disclosures to the individual who is the subject of the information
- Uses or disclosures made pursuant to an individual's authorization
- Uses or disclosures required for compliance with the Health Insurance Portability and Accountability Act (HIPAA) Administrative Simplification Rules
- Disclosures to the Department of Health and Human Services (HHS) when disclosure of information is required under the Privacy Rule for enforcement purposes
- Uses or disclosures that are required by other law.

Requests for disclosures must be individually evaluated to limit – or provide – the protected health information disclosed or requested to that which is the minimum necessary for that particular type of disclosure or request. Non-routine disclosures and requests must be reviewed on an individual basis in accordance with Asante's policies and procedures.

See Asante's policy #400- IS-HIS-0018, "[Permitted Uses and Disclosures of PHI.](#)"

**Q: How are we expected to determine the "minimum necessary" information that can be used, disclosed, or requested for a particular purpose?**

**A:** The HIPAA Privacy Rule requires us to make reasonable efforts to limit use, disclosure of, and requests for protected health information to the minimum necessary to accomplish the intended purpose. This reasonableness standard calls for an approach consistent with best practices to limit the **unnecessary** sharing of medical information in order to limit unnecessary or inappropriate access to protected health information.

See Asante's # 400-IS-HIS-0020 "[Minimum Necessary Policy.](#)"

