

ADAMHS BOARD FOR MONTGOMERY COUNTY		BP # 502	
TITLE:	Minimum Necessary Use and Disclosure of Protected Health Information	SUBJECT: HIPAA	
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PURPOSE: The Health Insurance Portability and Accountability Act of 1996 (HIPAA) granted individuals the right to receive adequate notice of the uses and disclosures of their protected health information (PHI) that may be made by a covered entity, and the individual's rights and the entity's legal duties with respect to PHI. This policy has been developed to assist the Board to comply with the law and to guide Board staff in applying the minimum necessary standard.

POLICY:

1. The Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County shall take reasonable steps to limit the use or disclosure of, and requests for PHI to the minimum necessary to accomplish the intended purpose.
2. The Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County shall maintain policies and procedures that identify persons or classes of persons within the organization who need access to PHI to carry out their job duties, the categories or types of PHI needed, and conditions appropriate for such access.
3. When access to an entire medical record is necessary, the Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County policies and procedures shall state explicitly and include written justification for such access.

DEFINITIONS

- 1.1 Health Insurance Portability and Accountability Act of 1996 (HIPAA). HIPAA is comprehensive law enacted by the United States government. The law has several subparts providing such benefits as guaranteed portability and renewal of insurance benefits between employers, tax provisions for medical savings accounts and administrative simplification to improve the efficiency and effectiveness of the health care system. During the latter part of the 1990's, the Secretary of the Department of Health and Human Services drafted regulations for standardizing the electronic interchange of administrative and financial data and protecting the security and privacy of personal health information. HIPAA requires health care providers, health plans and health care clearinghouses to transition to the use of standard code sets and "electronic data interchange (EDI) and to maintain reasonable and appropriate administrative, technical, and physical safeguards to insure the

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integrity and confidentiality of healthcare information; to protect against reasonably foreseeable threats and hazards to the security or integrity of the information; and, to protect against unauthorized uses or disclosure of the information. Compliance with the first of the HIPAA rules is scheduled for early 2003. HIPAA also provides criminal penalties for failure to comply with the regulations

- 1.2 Individually Identifiable Health Information (IIHI). A subset of health information, including demographic information collected from an individual and that is created or received by a health care provider and relates to the past, present, or future physical or behavioral health or condition of an individual, the provision of health care to an individual, or the past, present or future payment for the provision of health care to an individual, and which identifies the individual, or with respect to which there is a reasonable basis to believe that the information can be used to identify the individual.

- 1.3 Protected Health Information (PHI). The final rule defines PHI as individually identifiable health information that is transmitted by electronic media; maintained in any electronic medium such as magnetic tape, disc, optical file; or transmitted or maintained in any other form or medium (i.e. paper, voice, Internet, fax etc.).

- 1.4 Minimum Necessary. When using or disclosing protected health information or when requesting protected health information from another covered entity, a covered entity must make reasonable efforts to limit PHI to the minimum necessary to accomplish the intended purpose of the use, disclosure, or request.
 - 1.41 **Exceptions to Minimum Necessary Requirement.** The minimum necessary provisions do not apply to the following:
 - a. Disclosures to or requests by a health care provider for treatment purposes.
 - b. Disclosures to the individual who is the subject of the information.
 - c. Uses or disclosures made pursuant to an authorization requested by an individual.
 - d. Uses or disclosures required for compliance with the standardized HIPAA transactions.
 - e. Disclosures to the Department of Health and Human Services (HHS) when disclosure of information is required under the rule for enforcement purposes.
 - f. Uses or disclosures that are required by other law.