

Minimum Necessary Policy

Version	Approval Date	Owner
1.0	January 24, 2019	Privacy Officer

1. Purpose

To promote the privacy principles of collection limitation, use and disclosure limitation, data integrity and quality and security safeguards and controls throughout HealthShare Exchange of Southeastern Pennsylvania, Inc. (HSX) in order to comply with the minimum necessary requirements of the federal Health Insurance Portability and Accountability Act of 1996 (the "Minimum Necessary Rule").

2. Scope

This policy covers all HSX privacy practices across all departments and business units. All HSX employees, interns, contractors, members, participants, users, and third parties are required to comply with this policy.

3. Policy

Minimum Necessary Data Uses

- Each Member and participant shall use only the minimum amount of data obtained through HSX Health Information Exchange (HIE) as is necessary for a permitted use.
- Each Member shall share data obtained through HSX HIE with, and allow access to such data by, only those authorized workforce members, agents, and contractors who need the information in connection with their job function or duties, including treating their patients.

Minimum Necessary Data Access

- Each Member and participant shall access and request through HSX HIE only the minimum amount of data as is necessary for the purpose of the access or request, as the case may be.
- As allowed under HIPAA, access to data through the HSX HIE by a health care provider for treatment purposes is not subject to the minimum necessary requirements.

- Employees, interns, contractors, members, participants, users, and Business Associates shall not access PHI unless they have been granted appropriate access rights, the access is within the scope of the responsibilities of their position, and they have a clear business reason to do so.
- Employees, interns, contractors, members, participants, users, and third parties shall not access their own, a relative's, a friend's, or anyone else's medical records via any computer system.

HSX shall rely on a requested disclosure as the minimum necessary for the stated purpose when

- Making disclosures to public officials as required by law.
- The information is requested by another healthcare provider, or health plan.
- The information is requested by an HSX approved researcher, provided the requirements of uses and disclosures not requiring authorization are met.
- The information is requested by a professional who is an employee, contractor, member, participant, user, or a Business Associate, or an accrediting organization (e.g., JCAHO), who represents that the requested information is the minimum necessary to perform a service on behalf of the organization.

Entire Medical Record

- A Member shall not use, disclose, or request an individual's entire medical record except where specifically justified as the amount that is reasonably necessary to accomplish the purpose of the use, disclosure, or request.
- This limit does not apply to disclosures to or requests by a health care provider for treatment purposes or disclosures required by law.

The Minimum Necessary Rule does not apply to

- Disclosures to or requests by a health care provider for treatment.
- Uses and disclosures made to the patient or their authorized representative.
- Disclosures made to the Secretary of the Health and Human Services for enforcement or during an investigation of compliance with the Privacy Rule.
- Uses and disclosures required by law (e.g., request for PHI related to worker's compensation claims).
- Uses and disclosures that are required for compliance with HIPAA.

Guidelines and Criteria

- The Privacy Officer shall approve all guidelines and criteria used to determine need-to-know and the Minimum Necessary Rule.
- Specific policies and procedures shall be established to guide any routine uses or disclosures of PHI that are *not* related to treatment, associated payments, or any

other routine healthcare operation related to patient care based on permitted uses as outlined in the HSX Founding Member Participation Agreements.

- Any request for PHI access falling outside the boundaries of minimum necessary shall be directed to the Privacy Officer.

4. Enforcement

- Each member, participant and third party shall be responsible for ensuring that their respective physicians, care managers and other staff follow this policy.
- The Privacy Officer shall be responsible for enforcing compliance with this policy under the direction of the President.

5. Definitions

For a complete list of definitions, refer to the *Glossary*.

6. References

Regulatory References:

- HIPAA Regulatory Reference: HIPAA § 164.502(b), HIPAA § 164.502(d), HIPAA § 164.514(a), HIPAA § 164.514(b), HIPAA § 164.514(c), HIPAA § 164.514(d), HIPAA § 164.514(e), HIPAA § 164.515(d)
- HITRUST Reference: 13.I Minimum Necessary Use
- PA eHealth Reference: 7.1. Limitations on the Collection, Use and Disclosure of PHI

Policy Owner	Privacy Officer	Contact	Don.Reed@healthshareexchange.org
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Related Documents	Disclosures and Requests for Disclosures Glossary		