

DISCLOSURE OF PROTECTED HEALTH INFORMATION - MINIMUM NECESSARY

1. _____ will make reasonable efforts to limit protected health information to the minimum necessary to accomplish the intended purpose of the disclosure.

2. Disclosures that presume the information as stated on the request is the minimum necessary for the stated purpose:
 - To other treatment providers for treatment purposes
 - To other covered entity for treatment purposes
 - To public officials as stated in 164.512 (for public health, coroner and medical examiners, organ donation organizations, for abuse or neglect reporting, health oversight agencies, judicial and administrative proceedings, law enforcement officials)
 - To a professional who is a member of workforce or business associate who is providing professional services for _____ (examples: JCAHO, CARF, NHA, auditors)
 - To researchers with authorization by an IRB or Privacy Board for stated research purposes

3. Disclosures that are limited by the terms of the authorization by the patient:
 - To attorneys for evaluation of medical condition in support or rebuttal of a legal action
 - To schools for evaluation of medical condition for school activities
 - To life insurance companies for evaluation of medical condition for issuance of life insurance policy
 - To Disability Determination to evaluate medical condition in support of disability benefits
 - To employer for pre-employment physical and drug testing and screens

4. Disclosures that are limited to the designated record set:
 - To the individual at the request of the individual (purpose does not have to be stated)

5. Routine disclosures and the information reasonably necessary to achieve the purpose:
 - For _____ payment and health care operations

Requester	Purpose	Disclosures
Insurance Company or other 3 rd party payor	Substantiate care provided for billing and payment	Specific information requested in claims attachment request (often know prior to submission of claim)
Collection Agency	Obtain payment on past due accounts	File of patient names, addresses, dates of service, and amount owed

- For others' payment and health care operations:

Requester	Purpose	Disclosures
Ambulance Company	Obtain information for billing and payment	Face sheet with patient demographics and insurance information
Consultant (physician) Office	Obtain information for billing and payment	Face sheet with patient demographics and insurance information and copy of the consultation

6. Any request for the entire medical record must be reviewed to be certain that the medical record is specifically justified as the amount reasonably necessary to accomplish the purpose.

7. Disclosures not categorized in the above items are classified as "nonroutine" disclosures. When a request is received for a nonroutine disclosure, screen the request against the following criteria to limit the protected health information disclosed to the minimum necessary.*
- Specificity of request: Is the request general? If the request is general, narrow down the disclosure to specific documents or periods that would fit the purpose of the request.
 - Purpose/importance of request: If there is a clear purpose, disclosures should relate to the purpose. If there is not a clear purpose, it may be necessary to ask for clarification and at the same time ask for what specific disclosures are sought.
 - Impact to the patient: Negative or positive?
 - Impact to _____: Negative or positive?
 - Extent to which disclosure would extend number of individuals or entities with access to PHI.
 - Likelihood of redisclosure
 - Ability to achieve the same purpose with deidentified information
 - Technology available to limit disclosure of PHI
 - Cost of limiting disclosure of PHI
 - Any other factors believed relevant to the determination.

*Criteria for Evaluating Nonroutine Disclosures from *Journal of American Health Information Management Association*, October 2002, page 96D.