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Document Name:	Minimum Necessary Standard Procedure				
Document Code:	POL-ADM-0024-A	Formerly: (if applicable)	See below		
Approval Authority:	Board of Directors	Adopted:	1/26/2021	Reviewed: Frequency:	Annually
Responsible Executive:	Melissa Kotrys	Revised:	See below		
Responsible Office:	Administration	Contact:	See below		
Distribution:	X - Staff X - Participants X – Vendors X - Public	Posted Locations:	X - Internal Policy Library X - Public Website		

1. Purpose

This procedure is intended to help ensure that Health Current and Participants (including Business Associates) use, request and disclose only the minimum amount of Data necessary for accomplishing the intended Permitted Use. This is necessary for compliance with the HIPAA minimum necessary standard, see [45 C.F.R. §§ 164.502\(b\)](#) and [164.514\(d\)](#). This procedure describes when the minimum necessary standard applies and how to satisfy its requirements.

2. Scope

This procedure applies to Health Current and Participants (including Business Associates). This procedure does not apply to the following Permitted Uses of Data:

- 2.1. Disclosures to or requests from Healthcare Providers for Treatment;
- 2.2 Disclosures to the individual who is the subject of the Data;
- 2.3 Disclosures made pursuant to a HIPAA Authorization;
- 2.4 Disclosures required by law; and
- 2.5 Uses or disclosures required for compliance with HIPAA, including to HHS for investigations or compliance audits.

All other uses, disclosures and requests for Data are subject to the minimum necessary standard.

3. Definitions

See Definitions Policy.

4. Policy

4.1.1. Participant and Business Associate Uses, Disclosures or Requests of Data

Participants and their Business Associates will comply with their own minimum necessary standard policies and procedures, as well as any other restrictions set forth in Health Current’s Permitted Use Policy and this procedure, in connection with their use of HIE services.



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If a Participant (or its Business Associate) wishes to access Data for a Permitted Use that exceeds the standards set forth in Health Current's Permitted Use Policy, the Participant (or its Business Associate) must submit a request in writing to its designated Health Current Account Manager. Health Current will treat the request as a request for a nonroutine disclosure under this procedure and respond accordingly.

Non-written requests or requests made to Health Current Workforce Members other than a Participant's designated Health Current Account Manager will impact and delay Health Current's ability to respond to the request. Participants understand and acknowledge that for a nonroutine request for access to be effective, Participants must submit the written request to their designated Health Current Account Manager.

4.1.2. Health Current's Uses, Disclosures or Requests of Data

4.1.2.1. Internal Uses

Health Current will limit its internal access and use of Data to its Health Current Workforce Members who require access to carry out their job responsibilities. Health Current Workforce Members will internally use the minimum amount of Data necessary for the particular Permitted Use.

4.1.2.2. Routine Disclosures or Requests

Most disclosures of or requests for Data that Health Current makes are part of providing routine services to Participants and their Business Associates. For example, disclosures or requests of Data for the following illustrative list of Permitted Uses are considered routine:

- 4.1.2.2.1.** Treatment;
- 4.1.2.2.2.** Payment;
- 4.1.2.2.3.** Limited Health Care Operations;
- 4.1.2.2.4.** Limited Public Health Investigations;
- 4.1.2.2.5.** Medical Examiner Activities;
- 4.1.2.2.6.** Organ Procurement; and
- 4.1.2.2.7.** The Health Current Permitted Use cases related to:
 - 4.1.2.2.7.1.** Actions necessary to perform services under the Participation Agreement and to assist Participants (and their Business Associates) in the Permitted Uses;
 - 4.1.2.2.7.2.** Taking action as directed in writing by a Data Supplier that has provided the Data;
 - 4.1.2.2.7.3.** Conducting public health reporting, including (but not limited to) reporting of immunization data to the State of Arizona Immunization Registry.

4.2.1. Reasonable Reliance

In accordance with HIPAA, Health Current may reasonably rely on representations from the following categories of individuals and entities that only the minimum necessary amount of Data has been requested for routine and non-routine disclosures for Permitted Uses:



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- 4.2.1.1. A public official who represents that the Data requested is the minimum necessary for the official's purpose. If the public official makes this representation orally, Health Current will document this representation and retain such documentation in accordance with its record retention policy or procedure. Health Current Workforce Members will also verify the identity and authority of the public official.
- 4.2.1.2. A Participant who is required to comply with HIPAA.
- 4.2.1.3. A Business Associate who provides services to a Participant and who represents that the Data requested is the minimum amount necessary.
- 4.2.1.4. A subcontractor of Health Current that assists Health Current in the performance of services for, or on behalf of, Participants or their Business Associates, and who represents that the Data requested is the minimum amount necessary.
- 4.2.1.5. An individual or entity seeking Data for Research purposes that meets the federal and state requirements for Research.
- 4.2.1.6. Participants, their Business Associates, and subcontractors of Health Current may make such representations orally, in writing or through their conduct, including (but not limited to) accessing the HIE, subscribing to alerts and so on.

Health Current will not rely on such a representation if it has independent knowledge that the request or disclosure would not meet the minimum necessary standard.

4.2.2. Nonroutine Disclosures or Requests

If Health Current receives a request for Data or it needs to request Data for a nonroutine purpose, Health Current will designate a Health Current Workforce Member to consult the Permitted Use Policy and underlying agreements to determine if the disclosure or request is permitted. If the nonroutine disclosure or request is permissible, the designated Workforce Member will make an individual determination of what amount of Data meets the minimum necessary standard in accordance with the requirements of the Permitted Use Policy, underlying agreements, HIPAA and this procedure.

For nonroutine **disclosures**, the designated Workforce Member will consider such factors as:

- 4.2.2.1. The requestor's purpose in seeking Data,
- 4.2.2.2. The specificity of the request (*e.g.*, designating particular parts of an individual's medical record),
- 4.2.2.3. Whether less Data, a Limited Data Set or De-identified Data would satisfy the purpose of the requestor; and
- 4.2.2.4. Whether the requestor is an individual or entity upon which Health Current may rely, as set forth above.



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For nonroutine **requests**, the designated Workforce Member will consider such factors as:

- 4.2.2.5. Health Current’s purpose in seeking the Data and whether the request is sufficiently specific as to scope of the Data being sought (e.g., designating particular parts of a patient’s medical record); and
- 4.2.2.6. Whether less Data, a Limited Data Set or De-identified Data would meet the purpose for the request.

The designated Workforce Member’s determination will be documented and retained in accordance with Health Current’s record retention policy or procedure.

4.3.1. Entire Medical Record

If permitted as set forth in Section 4.2.1 above, Health Current may reasonably rely on a requestor’s representation that the entire medical record is specifically justified as the amount that is reasonably necessary to accomplish the Permitted Use. If a Health Current Workforce Member makes an independent determination that it is necessary to use, disclose or request an entire medical record for a Permitted Use subject to this Procedure, that Workforce Member will document the specific justification and retain a copy of the justification in accordance with Health Current’s record retention policy and procedures.

5. Compliance

Health Current management will enforce this policy. Violations may result in disciplinary action, which may include suspension, restriction of access, or more severe penalties up to and including termination of employment or HIE participation. Where illegal activities are suspected, Health Current may report such activities to applicable authorities.

6. Who Should Read this Policy?

- 6.1. Health Current HIE Participants
- 6.2. Health Current Staff
- 6.3. Health Current HIE Subcontractors

7. Reference/Citation

Embedded.

8. Cross Reference and/or Attachments

Revision Table

Version	Date	Description of Change	Revised By
A	1/26/2021	Initial Release	Board of Directors