NORTHERN NEVADA ADULT MENTAL HEALTH SERVICES (NNAMHS)

POLICY AND PROCEDURE

SUBJECT: MINIMUM NECESSARY DATA

NUMBER: NN-IM-PS-07

ORIGINAL DATE: 04/03/03

REVIEW/REVISE DATE: 03/02/06, 11/02/06, 12/17/09, 10/18/12

APPROVAL:______Cody L. Phinney________________________, Agency Director

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I. PURPOSE

To limit unnecessary disclosure or inappropriate access to protected health information (PHI)

II. POLICY

NNAMHS will make reasonable efforts to limit the use or disclosure of, and requests for, PHI to the minimum necessary to accomplish the intended purpose.

III. REFERENCES

1. NNAMHS Policy NN-IM-PS-05 Accounting for Disclosure of Protected Health Information.
2. NNAMHS Policy NN-IM-PS-02 Release of Consumer Information.
3. Privacy Rule 45 CFR 164.514 (d), 164.502 (b)

IV. DEFINITIONS

1. Use: Use of information inside NNAMHS.
2. Disclosure: Release of information outside NNAMHS.
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3. Routine Disclosures: Made on a routine basis during the course of business to persons/agencies outside NNAMHS for a purpose that is compatible with the purposes for which the information is requested (mandatory report of elder or child abuse; obtaining legal advice from the Deputy Attorney General; information needed for disability benefits).
4. Non-routine Disclosures: Occur only on occasion as a rule (requests by law enforcement officers to process applications for gun permits).

V. PROCEDURE

1. Minimum necessary provisions do not apply to the following (an authorization for release of information is required by Nevada Revised Statutes):
   a. Disclosure to or requests by a health care provider for treatment.
   b. Disclosures made to the consumer.
   c. Uses or disclosures made pursuant to an authorization by the consumer.
   d. Uses or disclosures that are required by other law.
   e. Uses or disclosures that are required for compliance with the Health Insurance Portability and Accountability Act (HIPAA) Administrative Simplification Rules.
2. The procedure for routine disclosures is:
   a. Determine who is requesting the information and the purpose for the request.
   b. Confirm that the request is for a routine disclosure.
   c. If the request is not compatible with the purpose for which it was to disclose, refer to, and apply the non-routine procedures.
   d. Identify the kind and amount of information that is necessary to respond to the request.
   e. If the disclosure is one that must be included in the accounting of

disclosures, include required documentation on the Disclosure Tracking Log MR 251 located in the record.

f. When making minimum necessary determinations for routine disclosures, the consumer's privacy must be balanced against the legitimate need for PHI requested.

g. Questions regarding routine and recurring disclosures should be referred to the Director of Health Information Services (H.I.S.), or to Performance Improvement Coordinators (P.I.)

3. The procedure for non-routine disclosures is:

   a. Non-routine disclosures must be reviewed on an individual, case-by-case basis. The Director of H.I.S. and/or the P.I. Coordinators will be responsible for the case-by-case review, and will log such disclosures on the Disclosure Tracking Log MR 251 of the appropriate medical record.

4. Requests for entire record:

   NNAMHS may not disclose or request an entire medical record, except when it is specifically justified or authorized by the consumer, as the amount of PHI reasonably necessary to accomplish the purpose for which it was requested.

5. Requesting PHI from other entities:

   When requesting PHI about a consumer from another entity, NNAMHS will avoid asking for the entire record, and will limit requests to those that are reasonably necessary to accomplish the purpose for which the request is made.

6. Reasonable Reliance:

   a. NNAMHS may reasonably rely on the assertions of a requesting HIPAA "covered entity" that it is requesting the minimum necessary for the stated purpose.

   b. NNAMHS may reasonably rely on the assertions of a professional (Attorney General, accountants, etc.) who is a member of the workforce or business

associate, that the requested PHI is the minimum necessary for the stated purpose.

7. Minimum necessary for NNAMHS staff use:
    a. NNAMHS will maintain a current directory that lists all defined positions within the agency and the correct access authorization for each position.
    b. Every staff member will be trained in their roles and responsibilities with reference to the minimum access of PHI use and disclosure.
    c. It is a breach of policy and the consumer's rights to seek information beyond what is appropriate for the staff role and consumer's needs.
    d. In the event of an emergency, the strict limits of access may be breached when appropriate for the benefit of the consumer, specifically when the potential benefit to the consumer is judged to outweigh the risk to consumer privacy.
    e. Designated staff (individual, groups, or groups of persons) are entitled to access and/or use the consumer's protected health information consistent with the role of their duties. Each staff member has the responsibility of limiting the viewing, use, disclosure, and requesting to only that data necessary for consumer treatment, reimbursement for treatment, and health care operations.
    f. When using or disclosing PHI or when requesting PHI from another covered entity, staff must make reasonable efforts to limit PHI to the minimum necessary required to accomplish the intended purpose of the use, disclosure or request. Accordingly, the following access categories are established:
        i) Full Health Information Access (FHI): Access to full health information as needed for health or payment operations. Staff in this category may access and read all appropriate information.
            A) FHI class includes health professionals who provide direct or indirect consumer care or consulting services, including those

directly responsible for the actions of direct healthcare providers. These providers have access to full health information with the clear understanding that access is limited to need for treatment, reimbursement, or operations.

ii) Summary Data Access (SDA): Access to summary data with treatment or diagnostic codes as needed to function. Staff in this category should confine the use of PHI to the absolute minimum required and should not access or read full medical records.

A) SDA class includes direct support staff that provides a variety of professional and direct administrative support to those who deliver consumer care.

iii) Minimum Information Access (MI): Access to consumer demographic data with only minimum reference to treatment or diagnostic information as needed to function.

A) MI class includes indirect support staff that provides administrative support.

iv) Emergency Information Access (EI): Access to any PHI will not be granted except in emergency situations.

A) EI class includes all other staff.

g. Staff Assignments to Specific Access Categories

i) Full Health Information Access (FHI)

Agency Director
Allied Health Staff
APN
Clinical Program Managers
Dietitians
Director of Nursing
Health Information Services staff
IT Manager/ Program Evaluation

IT Staff/ Program Evaluation

LPN's

Medical Staff

Medical Students

Mental Health Counselors

Microbiologist

Nursing Students

Performance Improvement Coordinators

Pharmacist and Chief

Psychiatric Caseworkers

Psychologists

Psychology Interns

Physician Assistant (PA)

Residents

RN's

Service Coordinators

Social Services staff

Substance Abuse Counselors

Mental Health Counselor

Mental Health Techs

Family Support Specialists (specialized AA's)

ii) Summary Data Access (SDA)

Account Tech

Accountant

Accounting Assistant

Administrative Aid

Administrative Assistant 1-IV

Clerical Trainee

Administrative Service Officer

Benefits Coordinator

Management Analyst / Financial Benefits

Patient Billing Staff

Peer Counselor

Program Officer

Pharmacy Tech

iii) Minimum Information Access (MI)

Chaplain

Food Service Director

Program Evaluation staff

iv) Emergency Information Access (EI)

Custodial Worker

Driver

Electrician

Grounds Supervisor

Grounds Maintenance

Heat Plant Supervisor

Heat and Refrigeration Specialist

Laundry Worker

Maintenance Repair Specialist

Painter

Personnel Analyst

Personnel/Payroll staff

Plumber

Storekeeper

Stores Supervisor

Volunteers