



**COUNTY OF EL DORADO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject: PRIVACY: MINIMUM NECESSARY	Policy Number	Page Number: Page 1 of 3
	Date Adopted:	Revised Date:

BACKGROUND:

The Health Insurance Portability and Accountability Act (“HIPAA”) states covered entities must make reasonable efforts to limit protected health information (“PHI”) to the minimum necessary to accomplish the intended purpose of the use, disclosure, or request. El Dorado County is defined as a covered entity, and this policy is to establish the guidelines and the expectations for each workforce member with access to PHI. Workforce members include employees, interns, and volunteers. Workforce members are expected to safeguard the privacy of confidential information in order to minimize exposure or liability to individuals, employees, and El Dorado County.

NOTE: HIPAA will not supercede any contrary State law that imposes more stringent privacy protections.

POLICY:

1. General [45 CFR 164.502 (b)]

Only individuals with a legitimate “need to know” may access, use, or disclose PHI. This includes all activities related to treatment, payment, and health care operations on behalf of El Dorado County. Each individual may only access, use, or disclose the minimum information necessary to perform his/her designated role regardless of the extent of access provided.

a. Exceptions: Minimum necessary does not apply to:

- i. Disclosures to or requests by a health care provider needed for treatment;
- ii. Use or disclosures at the request of an individual regarding the individual’s PHI as permitted or required;
- iii. Uses or disclosures authorized by the individual within the scope of the authorization;
- iv. Disclosures made to the U.S. Department of Health and Human Services (“DHHS”), the Office of Civil Rights, or other legal authority for compliance and enforcement purposes;
- v. Uses or disclosures required by law;
- vi. Uses or disclosures required for compliance with the HIPAA Transaction Rule.



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2. Minimum Necessary [45 CFR 164.514(d)(3)]

- a. When using or disclosing PHI to another entity, or when El Dorado County requests PHI from another entity, El Dorado County employees must make reasonable efforts to limit the amount of PHI to the minimum necessary needed to accomplish the intended purpose of the use, disclosure, or request.
- b. In accordance with minimum necessary, El Dorado County will not disclose an entire medical record unless the authorization justifies why the entire medical record is needed or the authorization specifically authorizes the entire medical record to be released.
- c. El Dorado County may rely, if such reliance is reasonable under the circumstances, on a requested disclosure as the minimum necessary for the stated purpose when:
 - i. Making permitted disclosures to public officials, if the public official represents the information requested is the minimum necessary for the stated purpose(s);
 - ii. The information is requested by another covered entity;
 - iii. The information is requested by a professional who is a member of its workforce or is a business associate of the covered entity for the purposes of providing professional services to the County, and the professional represents that the information requested is the minimum necessary for the stated purpose(s).

3. Access to PHI [45 CFR 164.514(d)(2)]

El Dorado County will establish role-based categories which will identify the type(s) of information necessary for workforce members to perform their assigned job duties. Program areas will identify the category or categories of PHI needed for persons, or classes of persons, to carry out their responsibilities. Categories will include all information such as information accessible by computer or kept in files.

4. Routine and Recurring Disclosures [45 CFR 164.514(d)(3)]

Disclosures made on a routine, recurring basis will be evaluated by program areas to identify the types of PHI to be disclosed, the types of persons who would receive the PHI information, and the conditions that would apply for such access.



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5. Non-routine Disclosures [45 CFR 164.514(d)(3)]

Request for non-routine disclosures will be reviewed on an individual basis and program areas will develop criteria for determining, and limiting disclosure to, only the minimum amount of PHI necessary to accomplish the purpose of the disclosure.

PROCEDURE:

1. Routine and recurring disclosure(s) of PHI, El Dorado County's program areas will:
 - a. Determine who is requesting the confidential information and the purpose of the request;
 - b. If the request is not routine or recurring, refer to non-routine disclosure procedures;
 - c. Confirm the disclosure is permitted or required in accordance with El Dorado County's policies and procedures;
 - d. Identify the minimum necessary amount of PHI required to respond to the request, and
 - e. Determine if the disclosure must be included in the accounting of disclosure log and document the disclosure as required.
2. Non-routine disclosure(s) of PHI, El Dorado County's program areas will:
 - a. Determine who is requesting the PHI and the purpose of the request;
 - b. Determine if the individual's confidential information can be disclosed pursuant to El Dorado County's policies and procedures;
 - c. Determine what and how much PHI is necessary to comply with the disclosure request in accordance with El Dorado County's policies and procedures;
 - d. Determine if the disclosure must be included in the accounting of disclosure log and document the disclosure as required.

Primary Department: Privacy Compliance Office

References: 45 CFR § 160-164