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Title: Minimum Necessary Policy		
Regulatory Authority: HIPAA Regulations, FERPA Regulations, ORC, OAC		
Effective Date: 01/19/2021		
Reviewer/Job Title: Director of Operations		

(A) MINIMUM NECESSARY POLICY

For purposes other than those listed below, the use and disclosure of PHI must be limited to the minimum necessary to satisfy the request or to complete the task. The Privacy Officer shall implement safeguards and protocols to implement this policy. All employees shall follow those protocols.

FOR THE PRIVACY OFFICER

1) **Implementation Approach**. The Privacy Officer will implement the minimum necessary requirement with the steps detailed below. Measures to limit workforce access, and procedures for both routine disclosures and requests for PHI will be created and documented as detailed below:

a) **Limiting Workforce Access to PHI**: Access to the PHI will be granted based on the individual's role and determined by the Superintendent and Privacy Officer of HCBDD. HCBDD will identify:

i) Those persons or classes of persons, who require access to PHI to carry out their duties, in the workforce, including interns and trainees, will be listed according to job classification with the necessary minimal necessary PHI required for successful job performance to serve the individuals, and

ii) For each such person or class of persons, the category or categories of PHI to which access is needed and any conditions appropriate to such access.

iii) Safeguards will be developed and documented to restrict workforce access to the minimum necessary.

iv) The Privacy Officer will document the results of this analysis in Minimum Necessary – Workforce, Disclosures and Requests.

b) **Procedures for Routine Disclosures and Requests.** The HIPAA Privacy Officer will identify all routine disclosures made by Board employees, for which the minimum necessary requirement applies, and create procedures to implement these. The same shall be done for routine requests for PHI. These results shall be documented in Minimum Necessary – Workforce, Disclosures and Requests.

c) **Implementation.** The Privacy Officer shall take the steps to implement the results of the analysis above, including configuring access control on software, staff training for routine requests and disclosures, and any other measures necessary.

FOR ALL EMPLOYEES

2) **Minimum Necessary Requirement.**

a) **Basic Requirement**. When using or disclosing PHI, or when requesting PHI from another entity, employees must make reasonable efforts to limit PHI to the minimum necessary to accomplish the intended purpose of the use, disclosure or request.

b) **Exceptions**. The minimum necessary requirement does NOT apply to:

i) Disclosures to or requests by a health care provider for treatment

ii) Uses or disclosures made to the individual served, including but not limited to any requests for their records or requests for an accounting of disclosure

iii) Uses of disclosures made pursuant to an Authorization

iv) When the disclosure is required by law, is to the Secretary of HHS, or for compliance with HIPAA regulations

3) **Routine Requests or Disclosures.** Staff shall be familiar with and follow procedures detailed in Minimum Necessary – Workforce, Disclosures and Requests when making requests for PHI or disclosures.

4) **Procedures for Non-Routine Disclosures or Requests**

a) **For non-routine disclosures**, when subject to the minimum necessary provision, the individual making the disclosure will apply the minimum necessary principle. He or she may seek the guidance, if necessary, of the Privacy Officer (or his/her designee).

b) **For non-routine requests**, the requesting party will utilize the minimum necessary principle, seeking the guidance, if necessary, of the Privacy Officer (or his/her designee).

c) **Good Faith Reliance** – HCBDD staff may rely on the belief that the PHI requested is the minimum amount necessary to accomplish the purpose of the request when:

i) The disclosure is made to a **public official**, permitted to receive information, and the public official represents that the request is for the minimum necessary information;

ii) The request is from another **covered entity**;

iii) The request is from a **professional** at HCBDD, or a business associate, and the professional or business associate asserts that the request is for the minimum necessary