

SEPA Labs	Policy & Procedure HIPAA / PRIVACY MINIMUM NECESSARY USES AND DISCLOSURES OF PROTECTED HEALTH INFORMATION	FUNCTION
		NUMBER 1b
		PRIOR ISSUE
		EFFECTIVE DATE January 1, 2014

PURPOSE

To ensure SEPA Labs’s uses and disclosures of Protected Health Information (“PHI”) are limited to the minimum necessary to accomplish the intended purpose.

POLICY

It is the policy of SEPA Labs to make a reasonable effort to use or disclose, or to request from another health care provider, the minimum amount of PHI required to achieve the particular use or disclosure unless an exception applies.

SEPA Labs will identify people or classes of people in its work force who need access to PHI to carry out their duties, the category or categories of PHI to which access is needed, and any conditions appropriate to such access.

For any non-routine request for disclosure of PHI that does not meet an exception, SEPA Labs will review the request for disclosure on an individual basis.

Minimum necessary requirements do not apply to disclosures to health care providers for treatment purposes.

PROCEDURE

1. SEPA Labs will identify role based access to PHI per job description, including:
 - a. People or classes of people in its workforce who need access to PHI to carry out their duties, and
 - b. The category or categories of PHI to which access is needed, including any conditions that may be relevant to such access.

(See Sample “Role Based Access to PHI” table following this Policy.)

2. SEPA Labs, for any type of disclosure or request for disclosure that is made on a routine and recurring basis, will limit the disclosed PHI, or the request for disclosure, to that which is reasonably necessary to achieve the purpose of the disclosure or request. (See “Examples of Routine Requests and Disclosures” following this Policy.)
3. SEPA Labs, for disclosures or requests for that are *not* made on a routine and recurring basis (non-routine disclosures), will review the request to verify that PHI disclosed or requested is the minimum necessary.

All requests for non-routine disclosures or requests that do not meet an exception will be reviewed using standard criteria.

4. Exceptions to minimum necessary requirements: SEPA Labs will release information without concern for the minimum necessary standard as follows:
 - a. Disclosures to or requests by a health care provider for treatment.

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- b. Uses or disclosures lawfully made to the individual who is the subject of the PHI.
 - c. Uses or disclosures lawfully made pursuant to an authorization signed by the individual.
 - d. Disclosures made to the Secretary of the U.S. Department of Health and Human Services (federal government).
 - e. Disclosures that are required by law (such as for Department of Health state surveys, federal surveys, public health reportable events, FDA as related to product quality, safety, effectiveness or recalls etc.).
 - f. Uses and disclosures that are required for compliance with the HIPAA Privacy Rule.
5. SEPA Labs may use or disclose an individual’s entire Laboratory Record only when such use or disclosure is specifically justified as the amount that is reasonably necessary to accomplish the intended purpose or one of the exceptions noted above applies.
 6. Requests for entire Laboratory Records that are not covered by an exception will be reviewed using standard criteria.
 7. Reasonable Reliance: SEPA Labs may rely on a requested disclosure as minimum necessary for the stated purpose(s) when:
 - a. Making disclosures to public officials, if the official represents that the information is the minimum necessary for the stated purpose(s).
 - b. The information is requested by another covered entity (health care provider, clearinghouse or health plan).
 - c. The information is requested by a professional who is a member of SEPA Labs’s workforce or is a Business Associate of SEPA Labs for the purpose of providing professional services to SEPA Labs, if the professional represents that the information requested is the minimum necessary for the stated purpose(s).
 - d. The information is requested for research purposes and the person requesting the information has provided documentation or representations to SEPA Labs that meet the HIPAA Privacy Rule. Contact the Privacy Officer to assist in the determination of whether such requirements have been met. (See Policy “Uses and Disclosures of Protected Health Information for Research.”)
 8. SEPA Labs, upon determination that the use, disclosure or request for PHI is the minimum necessary or one of the above exceptions apply (see Items 4 and 6), will release the PHI to the requestor.
 9. SEPA Labs Requests for PHI from Another Covered Entity: When requesting PHI from another Covered Entity, SEPA Labs must limit its request for PHI to the amount reasonably necessary to accomplish the purpose for which the request is made. For requests that are

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made on a routine and recurring basis, SEPA Labs shall take reasonable steps to insure that the request is limited to the amount of PHI reasonably necessary to accomplish the purpose for which the request is made.

For requests that are not on a routine or recurring basis, SEPA Labs shall evaluate the request according to the following criteria:

- a. Is the purpose for the request stated with specificity?
- b. Is the amount of PHI to be disclosed limited to the intended purpose?
- c. Have the requirements for supporting documentation, statements, or representations been satisfied? (See policy "Uses and Disclosures of Protected Health Information" for specific requirements.)
- d. Have all applicable requirements of the HIPAA Privacy Rule been satisfied with respect to the request?

SAMPLE ROLE BASED ACCESS TO PHI

LEVEL 1: None – No Access to Designated Record Set (i.e. Volunteer)

LEVEL 2: May access minimum necessary PHI (not Designated Record Set) to complete assigned tasks and/or to document actions (i.e. PHI discussed)

LEVEL 3: Full access to the Laboratory Record subset of the Designated Record Set

LEVEL 4: Full access to the Business Office File subset of the Designated Record Set

Position	Access Level				Explanation/Duties Performed Requiring Access
	1	2	3	4	
Administrator – CEO COO CFO		x	x	x	Operations/Payment
Clinical Staff		x	x	x	Laboratory Testing - Diagnosis/Payment/Operations
Financial Staff		x		x	Operations/Payment
Management Staff		x	x	x	Laboratory Testing - Diagnosis/Payment/Operations
Business Office Manager		x	x	x	Operations/Payment
Business Office Staff		x		x	Operations/Payment
Central Supply Clerk		x	x	x	Operations/Payment
Laboratory Records Supervisor		x	x	x	Operations/Payment
Department Manager		x	x	x	Laboratory Testing - Diagnosis/Operations
Privacy Official		x	x	x	Laboratory Testing - Diagnosis/Payment/Operations
Receptionist	x				
Volunteers	x				

EXAMPLES OF ROUTINE REQUESTS AND DISCLOSURES

Requester	Purpose	Disclosures
Collection Agency	Obtain payment on past due accounts	File of patient names, addresses, dates of service and amount owed.
Coroner	Investigate a suspicious death	Specific information requested
Insurance Co	Substantiate care provided for payment	Specific information requested in claims attachment request
Public Official	Investigate accidents or crimes	Specific information requested
Healthcare oversight agency	Investigate a complaint	Protected health information related to complaint
Physician or other practitioner	Obtain demographic and insurance information for billing	Face sheet with patient demographics, diagnoses and insurance information
State data commission	Support a statewide registry	File of specific data elements requested
Law enforcement	To locate a fugitive, missing person, material witness or suspect of a crime	Per response to criteria and review committee decisions: <i>may include:</i> <ul style="list-style-type: none"> • Name and address • Date and place of birth • Social security # • ABO blood type • Type of injury • Date and time of treatment • Date and time of death • Description of physical characteristics **DO NOT DISCLOSE ANY DNA analysis, dental records or typing, sample of analysis of body fluids**
Organ/tissue donations	Qualify donation use (academic, transplant, etc.)	Per response to criteria and review committee decision

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