



**USES AND DISCLOSURES OF PROTECTED HEALTH INFORMATION,
MINIMUM NECESSARY AND ACCESS REQUIREMENTS
– HIPAA Privacy Policies and Procedures**

Policy: DAS will limit the disclosure of Protected Health Information (PHI) to the minimum amount necessary to accomplish the intended purpose of the authorized use, disclosure, or request.

Standard: To maintain compliance with Title 45 CFR Part 164.502, Uses and Disclosures of Protected Health Information: General Rules, minimum necessary.

Guidelines: *DAS will make reasonable efforts to limit Protected Health Information (PHI) disclosed to the amount reasonably necessary* to achieve the authorized purpose of the disclosure for any type of disclosure that it makes on a routine and recurring basis. Protected Health Information (PHI) is information that identifies an individual and relates to the person's physical or mental health or condition, the provision of health care to that person, or payment for the provision of health care to that person.

For all other authorized disclosures, DAS will:

- Develop criteria designed to limit the Protected Health Information (PHI) disclosed to the information reasonably necessary to accomplish the authorized purpose for which disclosure is sought; and
- Review authorized requests for disclosure on an individual basis in accordance with such criteria. This review will be the responsibility of the Collections Team Leaders.

DAS will identify and make reasonable efforts to limit the access:

- To those persons or classes of persons, as appropriate, in its workforce who need access to Protected Health Information (PHI) to carry out their duties; and
- For each such person or class of persons, the category or categories of Protected Health Information (PHI) to which access is needed and any conditions appropriate to such access.

DAS will use role-based access to enforce the minimum necessary requirement within our automated computer billing system (Avatar).

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Procedures: DAS may rely, if such reliance is reasonable, under the circumstances, on a requested authorized disclosure as the minimum necessary for the stated purpose when:

- Making disclosures to public officials that are permitted by law, if the public official represents that the information requested is the minimum necessary for the stated purpose(s);
- The information is requested by another covered entity;
- The information is requested by a professional who is a member of DAS's workforce or is a business associate of DAS for the purpose of providing professional services to DAS, if the professional represents that the information requested is the minimum necessary for the stated purpose(s); or
- Documentation or representations that comply with the applicable requirements of The Institutional Review Board.

DAS will limit any request for Protected Health Information (PHI) from other covered entities:

- To that which is reasonably necessary to accomplish the purpose for which the authorized request is made;
- Will implement policy and procedures (which may be standard protocols) that limit the Protected Health Information (PHI) requested to the amount reasonably necessary to accomplish the authorized purpose for which the request is made; and
- For all other requests, DAS must review the request on an individual basis to determine that the Protected Health Information (PHI) sought is limited to the information reasonably necessary to accomplish the authorized purpose for which the request is made.

DAS may not use, disclose or request an entire medical record, except when the entire medical record is specifically justified as the amount that is reasonably necessary to accomplish the authorized purpose of the use, disclosure, or request.

De-Identification of PHI:

DAS will de-identify (eliminate, cross out, etc. identifiers of the individual or of relatives, employers, or household members of the individual), when necessary (not necessary for TPO (to carry out Treatment, Payment or health care Operations)), Protected Health Information (PHI) to maintain compliance with Title 45 CFR Part 164.514 (a) (b) (c) and to limit the disclosure of Protected Health Information (PHI) to the minimum amount necessary to accomplish the intended purpose of the authorized disclosure.

- The following identifiers of the individual or of relatives, employers, or household members of the individual, are to be removed, if not needed for TPO:
 - Names;
 - All geographic subdivisions smaller than a State, including street address, city, county, precinct, zip code, and their equivalent geocodes, except for the initial three digits of a zip code if, according to the current publicly available data from the Bureau of the Census:
 - The geographic unit formed by combining all zip codes with the same three initial digits contains more than 20,000 people; and
 - The initial three digits of a zip code for all such geographic units containing 20,000 or fewer people is changed to 000.
 - All elements of dates (except year) for dates directly related to an individual, including birth date, admission date, discharge date, date of death; and all ages over 89 and all elements of dates indicative of such age, except that such ages and elements may be aggregated into a single category of age 90 or older;
 - Telephone numbers;
 - Fax numbers;
 - Electronic mail addresses;
 - Social security numbers;
 - Medical record numbers;
 - Health plan beneficiary numbers;
 - Account numbers;
 - Certificate/license numbers;
 - Vehicle identifiers and serial numbers, including license plate numbers;
 - Device identifiers and serial numbers;
 - Web Universal Resource Locators (URLs);
 - Internet Protocol (IP) address numbers;
 - Biometric identifiers, including finger and voice prints;
 - Full face photographic images and any comparable images; and
 - Any other unique identifying number, characteristic, or code

Right to Request Privacy Protection/Confidential Communication:

DAS will maintain compliance with section 164.522 (a) (b). It is our policy that *we respect the right of an individual to request restrictions on uses and disclosures of PHI and permit an individual to request confidential communication* of PHI at alternative locations or by alternate means. DAS will document the restriction and termination of the restriction, should it occur. DAS will permit requests for alternative communications. The following will apply for these requests of alternative confidential communications:

- The request must be received in writing.
- Determine how payment will be handled, if necessary.
- Specification of an alternative address or other method of contact is required.
- The request or denial will be documented.

DAS will *not* require an explanation from the individual as to the basis for the request as a condition of providing communication on a confidential basis.

The uses and disclosures of PHI are then subject to an agreed upon restriction and/or the confidential communications requirements.

Individual's Access:

DAS will maintain compliance with section 164.524. DAS in accordance with state and federal laws, *will give an individual the right to access and inspect or obtain a copy of his/her PHI* for as long as DAS maintains the PHI. DAS will act on a request for access no later than 30 days after receipt of the request.

PHI that may not be accessed or inspected due to state and federal law are:

- Psychotherapy notes;
- Information compiled in a reasonable anticipation of, or for use in a civil, criminal, or administrative action or proceeding; and
- Information subject to the Clinical Laboratory Improvement Amendments of 1988 (Title 42 CFR Part 493.3(a)(2)).

NOTE: If DAS does not maintain the PHI that is the subject of the individual's request for access, and DAS knows where the requested information is maintained, DAS will inform the individual where to direct the request for access.

Fees:

If the individual requests a copy of his/her PHI or agrees to a summary or explanation of such information, *DAS will impose a reasonable, cost-based fee* that includes:

- Copying, including the cost of supplies for and labor of copying, the protected health information requested by the individual;
- Postage, when the individual has requested the copy, or the summary or explanation, be mailed; and
- Preparing an explanation or summary of the protected health information, if agreed to by the individual

DAS will document and retain the following for a period of six years:

- The designated record sets that are subject to access by individuals; and
- The titles of the persons or offices responsible for receiving and processing requests for access by individuals.

Deceased Individuals:

DAS will maintain compliance with section 164.502 (f). It is our policy that the PHI of the deceased resides with the Fiduciary.

Role-Based Access:

Avatar provides access to a single agency/dataset on a single user ID. A user only has access to the data for the agency to which they provide billing services. If a person works for two agencies, they have two separate accesses, one for each agency.

DAS has defined, in Avatar, access roles to which each user is associated. These access roles allow the user to conduct functions needed to do their job, and restrict functions and access to data, that are not needed.

The roles are:

Team Leader
Application Administrator
Biller 2
Biller
CAU (Cash Application)
MIS (Operational/System Maintenance)
Reports

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Minimum necessary does not apply to:

- Disclosures to or request by a health care provider for treatment;
- Uses or disclosures made to the individual as permitted by law;
- Disclosures made to the Secretary of DHHS; and
- Uses and Disclosures required by law.