

## COMMUNITY MENTAL HEALTH AUTHORITY

ADMINISTRATIVE POLICY AND PROCEDURES MANUAL				
Chapter	Section	Chapter	Section	Subject
Program Quality	HIPAA	05	03	03
Subject Minimum Necessary Information	Authorization		Approved: 04/08/03 Replaces: None	

Reviewed/No Updates: March 2021; March 2022

- I. PURPOSE:** To establish policy and procedure limiting the use or disclosure of protected health information to the minimum necessary to accomplish the intended purpose.
- II. APPLICATION:** All programs governed by the Community Mental Health Authority (CMHA).
- III. DEFINITIONS:**
- A. Individually identifiable health information** is information that is a subset of health information, including demographic information collected from an individual, and:
1. Is created or received by a health care provider, health plan, employer, or health care clearinghouse; and
  2. Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual; and
  3. That identifies the individual; or
  4. With respect to which there is a reasonable basis to believe the information can be used to identify the individual.
- B. Protected health information** means individually identifiable health information:
1. Except as provided in paragraph (2) of this definition, that is:
    - a. Transmitted by electronic media;
    - b. Maintained in any medium described in the definition of *electronic media* at § 162.103 of this subchapter; or
    - c. Transmitted or maintained in any other form or medium.
  2. *Protected health information* excludes individually identifiable health information in:
    - a. Education records covered by the Family Educational Right and Privacy Act, as amended, 20 U.S.C. 1232g; and
    - b. Records described at 20 U.S.C. 1232g(a)(4)(B)(iv).
- IV. POLICY:** CMHA will limit the use or disclosure of, and requests for, protected health information to the minimum necessary to accomplish the intended purpose. There are additional protections for those individuals receiving substance abuse treatment; refer to policy 05-01-33 (42 C.F.R. Part 2).

**V. PROCEDURE:**

- A.** CMHA will make all reasonable efforts not to use or disclose more than the minimum amount of PHI necessary to accomplish the intended purpose of the use or disclosure. CMHA also warrants that when requesting PHI from other covered entities it will limit the request to that which is reasonably necessary to accomplish the purpose for which the request is made. This requirement does not apply to the following uses and disclosures:
1. Disclosures made to the recipient;
  2. Mandatory disclosures where consent or authorization are not required by law;
  3. To the Secretary of CMS in accordance with subpart C of part 160;
  4. Made pursuant to an authorization.
- B.** CMHA must identify those persons or classes of persons in its workforce who need access to PHI to carry out their duties. For each such person or class of persons, CMHA must identify the category or categories of PHI to which access is needed and any conditions appropriate to such access. The CMHA must make reasonable effort to limit the access of such individuals or classes to the degree of access and the conditions placed thereon. Department Directors are responsible for making these determinations and reporting them to the Supervisor of Medical Records. These classes of staff include but are not limited to the following:
1. Direct Service Providers
  2. Billing Staff
  3. Records Staff
  4. Incidental Contact Staff: i.e. information technology, transcriptionists
  5. Recipient Rights Staff
- C.** CMHA, its officers, and employees may rely, if such reliance is reasonable under the circumstances, on a requested disclosure as the minimum necessary for the stated purpose in the following circumstances:
1. When making disclosures to public officials that are permitted under CMHA policies and procedures, if the public official represents that the information requested is the minimum necessary for the stated purpose;
  2. When the information is requested by a professional who is a member of the CMHA workforce or is its business associate for the purpose of providing professional services to the CMHA, if the professional represents that the information requested is the minimum necessary for the stated purpose(s).

**VI. REFERENCES AND LEGAL AUTHORITY:** Act 258 of the Public Acts of 1974, as amended (Michigan Mental Health Code) Sections 748, 748 (a), and 750; 45 C.F.R. Part 164 section 502 (b) and 514 (d) (3); 42 C.F.R. Part 2 section 2.12

**VII. EXHIBITS:** None