COMMUNITY MENTAL HEALTH AUTHORITY

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

Updated: October 2024; Reviewed/No Update: October 2025

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 Gogebic Community Mental Health Authority (GCMHA).

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: GCMHA 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. GCMHA 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. GCMHA 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. GCMHA 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, GCMHA must identify the category or categories of PHI to which access is needed and any conditions appropriate to such access. The GCMHA 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. GCMHA, 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 GCMHA 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 GCMHA workforce or is its business associate for the purpose of providing professional services to the GCMHA, 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