

**UNIVERSITY OF MAINE SYSTEM
HIPAA POLICY #7
MINIMUM NECESSARY REQUIREMENTS**

I. In General

When using, disclosing or requesting PHI, a Covered Component must to the extent practicable limit such PHI to a limited data set as defined in HIPAA or, if needed, to the minimum necessary to accomplish the intended purpose of such use, disclosure or request. In the case of disclosure of PHI, the entity disclosing the PHI shall determine what constitutes the minimum necessary to accomplish the intended purpose of such disclosure.

This rule does not apply to:

- A. Disclosures to or requests by a health care provider for treatment;
- B. Uses or disclosures made to the individual;
- C. Uses or disclosures made pursuant to an authorization;
- D. Disclosures made to the Secretary for compliance and enforcement;
- E. Uses or disclosures required by law; and
- F. Uses or disclosures that are required for compliance with HIPAA requirements

II. Uses of PHI

A Covered Component must meet the following requirements with respect to a request for, or the use and disclosure of PHI. A Covered Component must:

- A. Identify the persons or classes of persons in its workforce who need access to PHI to carry out their duties;
- B. For each such person or classes of persons, identify the category or categories of PHI to which access is needed and any conditions appropriate to such access; and
- C. Make reasonable efforts to limit the access of such persons or classes identified in (A) to the PHI identified in (B).

III. Disclosures of PHI

When disclosing PHI, a Covered Component must limit the PHI disclosed to the minimum necessary to accomplish the purpose for which the disclosure is made.

- A. For routine and recurring disclosures, a Covered Component must implement policies and procedures that limit the PHI disclosed to the minimum necessary to achieve the purpose of the disclosure;
- B. For all other disclosures, a Covered Component must:
 - 1. Develop criteria designed to limit the PHI disclosed to the minimum necessary to accomplish the purpose of the disclosure; and
 - 2. Review requests for disclosure on an individual basis in accordance with such criteria.

IV. Requests for PHI

When requesting PHI from other Covered Entities, a Covered Component must limit its request to the minimum necessary to accomplish the purpose for which the request is made.

For routine and recurring requests, a Covered Component must implement policies and procedures that limit the PHI requested to the minimum necessary to achieve the purpose for which the request is made.

For all other requests, a Covered Component must:

A. Develop criteria designed to limit the request for PHI to the minimum necessary to accomplish the purpose for which the request is made; and

B. Review requests for disclosure on an individual basis in accordance with such criteria.

V. Entire Record

For all uses, disclosures or requests to which the minimum necessary requirements apply, a Covered Component may not use, disclose or request an entire medical record, except when the entire medical record is the minimum necessary to accomplish the purpose.

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