



University Community (faculty, staff and students)

SUBJECT (R*)	EFFECTIVE DATE (R*)	POLICY NUMBER (O*)
HIPAA PRIVACY: MINIMUM NECESSARY STANDARD	September 1, 2009	1640.025

POLICY STATEMENT (R*)

When using or disclosing protected health information (“PHI”), or when requesting PHI for any purpose other than treatment, the University Health Services of Florida International University and all other covered health care components (collectively referred to as “FIU” or “University”), will make reasonable efforts to limit the PHI that is used, disclosed, or requested, to the minimum necessary to accomplish the intended purpose of the use, disclosure or request.

REASON FOR POLICY (O*)

Florida International University is committed to protecting patient privacy including the privacy of information containing health information about a patient that is individually identifiable. Under the HIPAA Privacy Rule, uses, disclosures and requests for PHI other than for treatment purposes and other limited circumstances, must be limited to the minimum necessary to accomplish the purpose of the intended request.

RELATED INFORMATION (O*)

HIPAA Privacy Rule, 45 C.F.R. § 164.514(d).

DEFINITIONS (R*)

“Individually identifiable health information” means information that is a subset of health information, including demographic information collected from an individual, and:

- Is created or received by a health care provider, health plan, employer, or health care clearinghouse; and
- 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
 1. That identifies the individual; or
 2. With respect to which there is a reasonable basis to believe the information can be used to identify the individual.

“Covered entity” means a health plan, health care clearinghouse, or health care provider who transmits health information in electronic form in connection with a health care Transaction.

“Health care component” means a component or combination of components of a hybrid entity that has been specifically designated by the covered entity because it either performs covered functions; or activities that would make such component a business associate of a component that performs covered functions if the two components were separate legal entities.

“Protected health information” or “PHI” means individually identifiable health information that is:

- Transmitted by electronic media;
- Maintained in electronic media;
- Transmitted or maintained in any other form or medium.
- Protected health information specifically excludes:
 1. Education records covered by the Family Educational Rights and Privacy Act, as amended, 20 U.S.C. § 1232g (“FERPA”);
 2. Records described at 20 U.S.C. § 1232g(a)(4)(B)(iv); and
 3. Employment records held by a covered entity in its role as an employer.

PROCEDURES (O*)

1. When the Minimum Necessary Standard Does Not Apply:
2. HIPAA was intended to facilitate patient care by facilitating the transmission of health information among individuals providing treatment to a patient. Consequently, the Minimum Necessary Standard does not apply when used or disclosed by a health care provider to provide treatment.

Florida International University will only use and disclose the amount of PHI that is minimally necessary EXCEPT in the following circumstances:

- A. When the disclosure is to the patient or the patient's legally authorized representative;
- B. When the disclosure is pursuant to a valid authorization, in which case, the disclosure will be limited to the PHI specified on the authorization;
- C. When the disclosure is to the Secretary of the U.S. Department of Health and Human Services; or
- D. When the disclosure is required by law.

3. Implementation of Minimum Necessary Standard:

- A. Each department or unit that creates, maintains or transmits PHI must:
 1. Identify those persons or classes of persons, as appropriate, who need access to PHI to carry out their duties; and
 2. For each person or class of persons, the category or categories of PHI to which access is needed under any conditions appropriate to such access.
- B. Each department or unit must make reasonable efforts to limit the access to PHI by a department or unit employee to that necessary to carry out the employee's job functions or duties.
- C. When the Minimum Necessary Standard applies, each department or unit that requests or discloses PHI must abide by the following:
 1. For routine or recurring disclosures of PHI, develop procedures that limit the PHI to the amount reasonably necessary.
 2. For non-recurring disclosures, develop criteria designed to limit the PHI to be disclosed to that which is reasonably necessary; and
 3. Review requests for disclosures on an individual basis in accordance with such criteria.
- D. In reviewing requests for PHI disclosures, the department or unit may rely, if such reliance is reasonable under the circumstances, on a requested disclosure as the minimum necessary for the stated purpose when:
 1. The request is from a public official and the public official represents that the information requested is the minimum necessary for the stated purpose(s); or
 2. The information is requested by another covered entity (health care provider, health care clearinghouse, or health plan); or
 3. The information is requested by an employee of a business associate of Florida International University and the individual represents that the information requested is the minimum necessary for the stated purpose(s) and the individual has the authority to make such representations on behalf of the business associate; or
 4. The information is for research purposes and is requested in accordance with, and in the required legal format, specified by law and approved by the Florida International University Institutional

Review Board or an outside institutional review board recognized and approved by the Florida International University Institutional Review Board.

- E. Any questions regarding whether the Minimum Necessary Standard applies and whether the proposed disclosure comports with this Standard must be directed to the HIPAA Privacy Officer.

4. Specific Justification Required for Disclosure of Entire Medical Record:

- a. If the Minimum Necessary Standard applies, the disclosure of the entire medical record will usually not comport with the Minimum Necessary Standard and must be specifically justified as the amount that is reasonably necessary to accomplish the purpose of the use, disclosure or request.

<p>RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT (R*)</p> <p>Division of Academic Affairs Florida International University</p> <p>RESPONSIBLE ADMINISTRATIVE OVERSIGHT (R*)</p> <p>University Compliance Officer and Interim Privacy Officer Compliance Office PC 520 11200 S. W. 8th Street Miami, Florida 33199 Telephone Number: (305) 348-2216</p>	<p>The University Policies and Procedures Library is updated regularly. In order to ensure a printed copy of this document is current, please access it online at www.policies.fiu.edu.</p> <p>For any questions or comments, the “Document Details” view for this policy online provides complete contact information.</p>
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***R = Required *O = Optional**