

VNS HEALTH CORPORATE POLICY & PROCEDURE

TITLE: The Minimum Necessary Rule

APPLIES TO: VNS Health Home Care, including the Home Care, and Care Management Organization (CMO) divisions;
VNS Health Behavioral Health, Inc.;
VNS Health Personal Care;
VNS Health Health Plans;
VNS Health Hospice Care; and
Medical Care at Home, P.C. (collectively, "VNS Health")

POLICY OWNER: Corporate Compliance Department

FIRST ISSUED: August 9, 2005

NUMBER: HIPAA.7

POLICY

VNS Health complies with the minimum necessary rule, which requires that, when using, disclosing or requesting protected health information ("PHI"), we take reasonable steps to limit the PHI to the minimum amount necessary to accomplish the intended purpose of the use, disclosure or request. For example, if VNS Health discloses PHI for receiving payment for services rendered, the amount of PHI disclosed should be limited to the minimum amount necessary to receive payment.

The minimum necessary rule does not apply to:

- A. Disclosures to or requests by a health care provider for PHI or treatment purpose
- B. Uses of PHI for treatment purposes;
- C. Disclosures to the patient/member;
- D. Uses or disclosures made pursuant to a patient/member's authorization;
- E. Disclosures to the U.S. Department of Health and Human Services when disclosures of PHI are required under the Privacy Rules; and
- F. Uses or disclosures that are required by other laws.

I. USES OF INDIVIDUAL INFORMATION

VNS Health will make reasonable efforts to limit the access of its personnel to the PHI that personnel need to receive. Only those individuals with a “need to know” in order to perform their job responsibilities should have access to PHI. Personnel will be specifically instructed that they cannot:

- A. Access information about themselves, their family members, friends or co-workers;
- B. Access information about patients or members when they do not need that information to perform their jobs;
- C. Access information about celebrities or other famous people;
- D. Discuss with other employer interesting cases or famous individuals, unless there is a job-related reason for doing so;
- E. Discuss any individual with family members or friends; or
- F. Discuss individuals in public areas, such as the elevator or the cafeteria.

II. ROUTINE OR RECURRING DISCLOSURES OR REQUESTS OF PHI

- A. For disclosures or requests for PHI which are routine or recurring, VNS Health will take as many of the following steps relevant and possible to limit the PHI disclosed or requested to the amount reasonably necessary to achieve the purpose of the disclosure:
 - 1. Isolating and locking file cabinets or records rooms with PHI;
 - 2. Implementing security procedures for computers to limit access to PHI (e.g., complex passwords);
 - 3. Establishing role-based access for electronic PHI;
 - 4. Keeping logs and/or audit trails of access files containing PHI;
 - 5. Limiting access to medical records areas to authorized personnel; and
 - 6. Conducting random audits of access to, and requests of, PHI and electronic PHI to verify that unauthorized persons are not accessing PHI.
- B. VNS Health will not make a detailed determination about the propriety of each routine or recurring disclosure. Additionally, VNS Health may reasonably rely on the assumption that a requested disclosure meets the minimum necessary rule in the following circumstances:
 - 1. Requests from Public Officials.
 - 2. Requests from Other Covered Entities.
 - 3. Requests from professionals who are Business Associates.
 - 4. Researchers who proved appropriate representations.
- C. VNS Health will not disclose an entire medical record, except when the entire medical record is specifically justified as the amount that is reasonably necessary

to accomplish the purpose of the disclosure. Since disclosures of PHI made for treatment purposes are exempt from the minimum necessary rule, disclosures of the entire medical record for this purpose are acceptable.

III. NON-ROUTINE OR NON-RECURRING DISCLOSURES OF, OR REQUESTS FOR, PHI

For non-routine or non-recurring disclosures of or requests for PHI, VNS Health must review each disclosure or request on a case-by-case basis. In addition, each non-routine or non-recurring disclosure of or request for an entire medical record must also be reviewed on a case-by-case basis. In each instance, VNS Health must determine whether the minimum amount of PHI is being disclosed or requested. The criteria which VNS Health will consider in evaluating each disclosure or request will include:

- A. The purpose of the disclosure/request;
- B. The type of PHI to be disclosed or requested (e.g., does it unnecessarily include particularly sensitive information such as diagnosis or social security number);
- C. The minimum amount of PHI, necessary to achieve the purpose of the disclosure or request (e.g., if a workers' compensations carrier requests a record for a specific date, is it necessary to include the individual's prior history of treatment at VNS Health);
- D. The amount of PHI requested for disclosure
- E. The individuals/entities to whom a disclosure or request will be made;
- F. The time frame for the disclosure or request; and
- G. Any specific individual considerations.

IV. ENFORCEMENT

VNS Health, through its Privacy and/or Security Officers, will make reasonable efforts to limit the access of its employees to the PHI they are entitled to access. In addition, VNS Health will make reasonable efforts to enforce the minimum necessary rule and the policies described in this policy, through initiatives such as education, audit and compliance reviews. VNS Health will update this policy as necessary to reflect any changes made from time to time (including changes in staff).

REFERENCE: 45 CFR §§ 164.502(b), 164.514(d); DHHS PRIVACY GUIDANCE, JULY 6, 2001

Reviewed:		11/2007	9/2013	1/2015	11/2016	4/2018	10/2019
Revised & Accepted:	8/2005	11/2007	9/2013		11/2016	1/2019	1/2020
Reviewed:	10/2020	3/2022	6/2023				
Revised & Accepted:	3/2021	6/2022	9/2023				