REQUESTS FOR, AND DISCLOSURES OF, PROTECTED HEALTH INFORMATION THAT ARE NOT ROUTINE AND RECURRING POLICY

RESPONSIBILITY: Privacy Official or Designee(s) with as needed consultation with the Designated Attorney or (Designee)

BACKGROUND:

Case-by-case review is necessary for requests and disclosures that are not routine and recurring. (See the MINIMUM NECESSARY RULE and ROUTINE AND RECURRING REQUESTS FOR AND DISCLOSURES OF PROTECTED HEALTH INFORMATION policies.) This is to provide reasonable assurance that the information being disclosed or requested is the minimum necessary to meet the purpose.

POLICY:

1. The Privacy Official or Designee(s) will review requests for disclosure of protected health information that are not routine and recurring. This includes:
   - 1.1. Any request to disclose PHI to another entity, and
   - 1.2. Any request initiated by Behavioral Health and Health Facilities (BHHF) to receive PHI from another entity.

2. A request to disclose PHI is not routine and recurring if it is not on the list of routine and recurring disclosures and requests for PHI, as complied under the ROUTINE AND RECURRING REQUESTS FOR AND DISCLOSURES OF PROTECTED HEALTH INFORMATION policy.

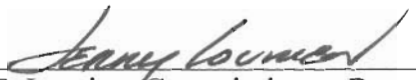
3. The Privacy Official or Designee(s) will review each request using standard criteria designed to limit the request for protected health information to the information reasonably necessary to accomplish the purpose for which the request is made. These criteria will conform to the MINIMUM NECESSARY RULE.

4. The Privacy Official or Designee(s), with the advice of the Designated Attorney or Designee(s) and other knowledgeable individuals as deemed necessary, will determine the amount of PHI to be disclosed or requested in each non-routine situation.

5. In the event of non-routine and recurring requests that are supported by court order, or request from a law enforcement official, the Privacy Official or Designee(s) will ensure that the following policies are followed, as applicable: DISCLOSURE OF PROTECTED HEALTH INFORMATION FOR LAW ENFORCEMENT PURPOSES; SUBPOENAS, COURT ORDERS, DISCOVERY REQUESTS, OR OTHER LEGAL PROCESSES AND DISCLOSURE OF PROTECTED HEALTH INFORMATION. Other BHHF policies may apply to other types of non-routine and recurring

requests and disclosures, depending on the source of the request, the intended recipient of the PHI, and the purpose.

Effective Date: 4/14/03
Dates Revised:



Jerome E. Lovrien, Commissioner, Bureau for Behavioral Health and Health Facilities