

ROUTINE AND RECURRING REQUESTS FOR AND DISCLOSURES OF PROTECTED HEALTH INFORMATION POLICY

RESPONSIBILITY: Privacy Official or Designee(s)

BACKGROUND:

Routine and recurring types of disclosure of protected health information (PHI) must be reviewed to determine the minimum information that is reasonably necessary to accomplish the purpose of the disclosure. (See the MINIMUM NECESSARY RULE.) Because the disclosures are routine and recurring, administrative and electronic information systems can be configured to avoid disclosing more than the minimum necessary information, once that has been determined. This avoids having to review each disclosure on a case-by-case basis. (See the REQUESTS FOR, AND DISCLOSURES OF, PROTECTED HEALTH INFORMATION THAT ARE NOT ROUTINE AND RECURRING policy).

Examples of routine and recurring disclosures include claims submitted to insurance companies and birth certificates submitted to public health officials.

Routine and recurring requests for protected health information, to be disclosed to Behavioral Health and Health Facilities (BHHF) by other entities, are also subject to review. An example of a routine and recurring request for information is a request from BHHF to an insurance company to verify a patient's eligibility.

POLICY:

1. BHHF will limit routine and recurring requests for, and disclosures of, protected health information (PHI) to the minimum amount of information that is reasonably necessary to accomplish the purpose of the request or disclosure, in compliance with applicable federal and state law and regulations.
2. These steps include:
 - 2.1. Lists of routine and recurring types of PHI disclosure, and requests for disclosure, will be maintained and updated annually.
 - 2.2. Experts in the subject matter and purpose of each disclosure or request will determine the minimum amount of PHI that is necessary to accomplish the purpose of the disclosure or request. Experts may include individuals from the appropriate BHHF departments/workforce and representatives of the other party to the disclosure or request.
 - 2.3. These experts' determinations, and supporting rationale, will be documented. This documentation will be retained until the date it is superseded, plus six years or longer if required by state law or regulation.

- 2.4. If a disclosure is required by law, the minimum necessary information is that amount of information which the applicable law requires to be disclosed.
- 2.5. If the information is disclosed to conduct a standard transaction, the minimum necessary information is that which is required to comply with the implementation guide for that transaction, including all required and applicable situational data elements.
3. Electronic information systems that are used to submit routine and recurring disclosures of, or requests for, PHI will be reviewed by the Director of Information Systems to assure that, to the extent reasonably possible, automatic disclosures and requests conform to the minimum necessary standard.
4. Administrative procedures used in the disclosure of or request for PHI will be reviewed to assure, to the extent reasonably possible, that disclosures and requests conform to the minimum necessary standard.
5. Members of the workforce who make regular and recurring disclosures and requests will be trained to recognize the minimum necessary amount of information.

Effective Date: 4/14/03

Revised Dates:



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