

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

1. The Privacy Official or Designee(s) will develop criteria designed to limit requests for, and disclosures of, protected health information to the information reasonably necessary to accomplish the purpose for which the request or disclosure is made. These criteria will be used to evaluate each request for disclosure of PHI referred to the Privacy Official or Designee(s) under this policy.
2. Any request for PHI received by BHHF for disclosure of PHI to another entity, which is not on the list of routine and recurring disclosures, is to be referred to the Privacy Official (or designee) for review.
3. Any request to be made by BHHF to receive PHI from another entity, which is not on the list of routine and recurring requests for PHI, is also to be referred to the Privacy Official (or designee) for review.
4. If possible, the Privacy Official or Designee(s) will confer with the party intended to receive the PHI, to determine whether the request conforms to the minimum necessary rule.
5. The Privacy Official or Designee(s) will confer with the Designated Attorney or Designee(s) and other knowledgeable individuals, as necessary, to evaluate the disclosure or request.
6. The Privacy Official or Designee(s) will determine what constitutes the minimum PHI necessary to accomplish the purpose of the disclosure, using the criteria developed under the terms of the first paragraph, above..
7. The Privacy Official or Designee(s) will document the rationale for such findings in writing, and provide this documentation to the intended recipient of the PHI upon request.
8. This documentation will be retained for at least six years or longer if required by state law or regulation from the date on which the PHI is actually disclosed to or by BHHF.
9. The Privacy Official or Designee(s) and Director of Information Systems will develop a mechanism to record, for each non-routine and non-recurring disclosure, the information necessary to account for the disclosure in accordance with the ACCOUNTING OF DISCLOSURES OF PROTECTED HEALTH INFORMATION policy.

REFERENCE: 45 CFR §§ 164.514(d)(3) and (4)

See also:

MINIMUM NECESSARY RULE

ROUTINE AND RECURRING REQUESTS FOR AND DISCLOSURES OF
PROTECTED HEALTH INFORMATION

ACCOUNTING OF DISCLOSURES OF PROTECTED HEALTH INFORMATION

DISCLOSURE OF PROTECTED HEALTH INFORMATION FOR LAW
ENFORCEMENT PURPOSES

SUBPOENAS, COURT ORDERS, DISCOVERY REQUESTS, OR OTHER
LEGAL PROCESSES AND DISCLOSURE OF PROTECTED HEALTH
INFORMATION

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Dates Revised:



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