



Minimum Necessary Standard

HIPAA's Privacy Rule includes a provision known as the minimum necessary standard at paragraph 45 CFR 164.502 (b). The requirement is as follows:

“When using or disclosing protected health information or when requesting protected health information from another covered entity or business associate, a covered entity or business associate must make reasonable efforts to limit protected health information to the minimum necessary to accomplish the intended purpose of the use, disclosure, or request.”

The minimum necessary standard requires covered entities to evaluate their practices and enhance safeguards as needed to limit unnecessary or inappropriate access to and disclosure of protected health information. The Privacy Rule's requirements for minimum necessary are designed to be sufficiently flexible to accommodate the various circumstances of any covered entity.

The minimum necessary standard does not apply to the following:

- Disclosures to or requests by a health care provider for treatment purposes.
- Disclosures to the individual who is the subject of the information.
- Uses or disclosures made pursuant to an individual's authorization.
- Uses or disclosures required for compliance with the Health Insurance Portability and Accountability Act (HIPAA) Administrative Simplification Rules.
- Disclosures to the Department of Health and Human Services (HHS) when disclosure of information is required under the Privacy Rule for enforcement purposes.
- Uses or disclosures that are required by other law.

As a workforce member, you should always be aware of the minimum necessary standard. This means that you will not enter, access or disclose the record/information of any patient unless you have a work reason to do so.

You may not browse the information of a friend, family member, celebrity, athlete, etc., unless you have a need to use or disclose that information as part of your job duties. You would be subject to a sanction (disciplinary action) for any use or disclosure made that does not relate to performing your job function.

Even if you yourself are a patient of the practice you work for, you should not access your own record unless it is necessary to perform the duties of your job. If you want a copy of your record, you should request it through the same process that any other patient would.

If you are uncertain whether the minimum necessary standard applies to a given situation, be sure to check with your practice's Privacy Officer for clarification. It is better to take the time to verify prior to making a disclosure, so that information is not improperly disclosed. ●