'Minimum Necessary' Disclosure Decision Tree

Is the requested information de-identified?

Yes

De-identified information is: Information that has had the 18 data items stripped out or Information that a person with appropriate knowledge and experience applies accepted statistical and scientific methods to render not individually identifiable. See COMP.103 Section VI(A)&(B)

De-identified information may be disclosed

No

Does the requested information meet the specification for Limited Data Set?

Yes

Limited Data Set requirements apply

No

Is the disclosure requested by a healthcare provider for Treatment?

Yes

End: Minimum Necessary standards do not apply

No

End: Minimum Necessary standards do not apply

Is the disclosure to:
1) the individual
2) to Secretary of DHHS
3) required by law?

Yes

See COMP.103 Section II for information regarding the use & disclosure of Protected Health Information Permitted Without An Individual's Authorization

End: Minimum Necessary standards do not apply

No

Is the request for disclosure routine or re-occurring?

Yes

Establish standard document sets of information to be disclosed that limits the PHI to amount reasonably necessary to achieve the purpose of the disclosure.

Case-by-case review against established criteria designed to limit the PHI disclosed to what is reasonably necessary to achieve the purpose of the disclosure.

No

Is the request for disclosure non-routine or non-recurring?

Yes

• Determine the purpose of the request. The information requested must be related directly to the stated purpose. For example, the entire medical record shall be disclosed only if it is clearly demonstrated that each part of the medical record is related to the reason the request is being made.

• Identify and request the data elements required to fulfill the purpose of the request. To the extent possible, the request should be specific both as to the documents being requested and the applicable time period.

• Verify that the minimum amount of data necessary to complete the request has been requested and that purpose could not be achieved by requesting deidentified information.