Minimum Necessary

The federal government has passed a national rule regarding the privacy of health information that impacts the Medical College’s ability to use this information to carry out its mission and conduct its day-to-day activities. This national rule, which took effect April 14, is called the Privacy Regulation and is part of the Health Insurance Portability and Accountability Act (HIPAA). The minimum necessary standard in the Privacy Regulation requires MCW to make reasonable efforts to limit protected health information (PHI) to the minimum necessary to accomplish the intended purpose of the use, disclosure, or request. This minimum necessary requirement may be met by policies and procedures for routine uses or disclosures, or by review on a case-by-case basis.

Minimum necessary does not apply to disclosures to or requests by a healthcare provider for treatment, uses, or disclosures made to the individual or as authorized by the individual or to the secretary of the Department of Health and Human Services (HHS) for compliance enforcement.

An overriding factor to consider in many day-to-day situations for all payment and operations (and although the regulation does not require it, for treatment activities as well) is to ask “Is this health information necessary for me to do my job?” If the answer is “yes”, you probably are fulfilling the minimum necessary requirement and complying with this part of the Privacy Regulation.

If you wish to learn more about HIPAA please visit the MCW HIPAA website at http://infoscope.mcw.edu/display/router.asp?DocID=7961.