

Agency Wide Policy and Procedure

SECTION: Corporate Compliance
SUBJECT: Minimum Necessary Standard
POLICY NUMBER: 7.07

ATTACHMENT:
APPROVAL DATE: 1/2022
REVISION DATE: 7/25

Protection of Clients' Personal Health Information

First Resources Corp (FRC) has had a long-standing commitment to protecting the privacy of its clients' personal health information. A Client's personal health information includes all Client information, written and oral, including Clients' personal information, clinical information, and financial information.

The U.S. Department of Health and Human Services recently published new federal standards protecting individuals' personal health information. These standards were published pursuant to a law enacted by Congress called the Health Insurance Portability and Accountability Act of 1996 and are commonly referred to as the HIPAA Privacy Rule. In general, the HIPAA Privacy Rule prohibits First Resources Corp, and the members of its workforce, from using or disclosing clients' personal health information without the client's authorization, except where necessary to provide treatment to a client, obtain payment for the services received by a client, or conduct certain managerial and administrative activities necessary to the operation of First Resources Corp.

In response to the standards established under the HIPAA Privacy Rule, First Resources Corp has formalized new procedures to better protect Clients' personal health information from inappropriate use and disclosure. First Resources Corp has adopted a Minimum Necessary Policy limiting access to Clients' personal health information to only that information which is minimally necessary to perform your job responsibilities. You are strictly prohibited from using a client's personal health information, or from disclosing the information to another member of the organization, when you or the other member do not have a need to know the information to carry out the functions of your job responsibilities. Any member who uses or discloses a client's personal health information in violation of this policy will be subject to disciplinary action, up to and including termination of employment.

The HIPAA Privacy Rule permits First Resources Corp to make certain disclosures, other than for treatment, payment, or health care operations activities, to persons or entities outside of the organization. To ensure compliance with these disclosure requirements, First Resources Corp has designated the Director of Compliance as the Integrity Officer with authority to oversee these disclosures. Any request for a client's personal health information made by a client or another person outside of the organization should be referred immediately to the Integrity Officer for direction.

First Resources Corp expects all members of the workforce to make other reasonable efforts to safeguard the clients' personal health information. Examples of the privacy practices that we expect you to follow include: avoiding discussions about clients in public areas; speaking quietly when discussing a client with family members in a public area; locking rooms where clients' records are stored; returning client records to storage so that they are not left unattended in areas where others can see them; and closing out computer databases containing client information when you are away from your desk.

POLICY:

First Resources Corp shall make reasonable efforts to limit the use and disclosure, and requests for clients' protected health information to the minimum necessary to accomplish the intended purpose of the use, disclosure, or request.

PURPOSE:

To guide employees and other members of the workforce in meeting First Resources Corp's commitment to protecting the privacy of clients' personal health information.

PROCEDURE:

Minimum Necessary Uses of Protected Health Information

Permitted uses of Clients' personal health information include uses necessary to carry out treatment, payment, and the health care operations activities of the organization. Clients' personal health information consists of the following general categories of records: facility directory information, personal records, clinical records, and financial records. Members of First Resources Corp's workforce may only access and use those records that are necessary to carry out the functions of their job responsibilities. The following members or classes of members may access and use Clients' personal health information as specified below:

<u>Members</u>	<u>Protected Health Information</u>
Board Members	Facility directory information and protected health information provided by Executive Director as necessary to carry out board activities
Executive Director/Chief Operating Officer/ Chief Growth Officer	Facility directory information and all records as necessary to oversee the operations of First Resources Corp
Director of Compliance/Integrity Officer	Facility director information and all records as necessary to oversee compliance with the HIPAA Security Rule

Office Staff	Facility directory information and protected health information provided by administrative supervisors as necessary to carry out administrative activities as it relates to clients in assigned work area
Chief Financial Officer	Facility directory information and personal and financial records and limited clinical information as necessary to process payment or claims for reimbursement for services
IT Staff/Contractors	Facility directory information and personal health information as necessary to carry out information technical support activities.
Business Office Staff	Facility directory information and protected health information provided by the chief financial officer as necessary to carry out billing and other business activities of First Resources Corp
Chief Human Resources Officer	Facility directory information and protected health information as needed to carry out compliance and potential abuse allegations against employees
Human Resources Staff	Facility directory information
Directors/ Coordinators/Supervisors	Facility directory information and all records necessary to oversee main operations
Quality Assurance Auditor	Facility directory information and all records necessary to complete quality improvement activities and necessary releases of information
Certified Med Aide/Health & Safety	Facility directory information and clinical records to carry out client care activities as it relates to clients in assigned work area
Direct Care Staff/CHOICES/Peer Support	Facility directory information and protected health information as necessary to carry out client care activities in their assigned area

Marketing and Development Staff	Facility directory information and protected health information maintained in the admissions records as necessary to carry out marketing activities related to First Resources Corp
Dietary Aides	Facility directory information and protected health information needed to meet the special nutritional and dietary needs of clients as it relates to clients in assigned area
Maintenance Staff	Facility directory information and protected health information provided by administration as necessary to carry out maintenance/environmental activities as it relates to clients in assigned work area
Behavioral/Mental Health/ IHH Staff	Facility directory information and clinical records to maintain operations/carry out client care activities as it relates to clients in assigned work area
Employment Staff	Facility directory information and protected health information records to carry out client care activities as it relates to clients in assigned work area
Volunteers	Facility directory information

Minimum Necessary Disclosures of Protected Health Information

Routine Disclosures: Routine disclosures of protected health information include permitted disclosures to employees and other members of the workforce as necessary to carry out treatment, payment, and the health care operations activities of the organization. Routine disclosures also include permitted disclosures to health care providers involved in the client's treatment (e.g., the client's personal physician) and permitted disclosures to health plans as necessary to obtain payment for services. *A request from a covered health plan for an entire medical record must be justified as the amount that is reasonably necessary to accomplish the purpose of the request.*

Other Disclosures: First Resources Corp may disclose protected health information, as permitted or required by law, to public officials authorized by law to receive the information and to a health care provider or health plan, which has or had a relationship with the client, for certain health care operations activities of the health care provider or health plan. Such disclosures shall be made only under the direction of the Integrity Officer pursuant to the criteria set forth in First Resources Corp privacy policies and procedures. Protected health information may be disclosed to the First Resources Corp board of directors as necessary to facilitate their governance of the operations of the facility.

Minimum Necessary Requests for Protected Health Information

Routine Requests: First Resources Corp may request protected health information from others as necessary to carry out treatment, payment, and the health care operations activities of the facility.

Other Requests: First Resources Corp shall make reasonable efforts to limit the protected health information requested for payment or health care operations activities pursuant to the criteria set forth in its privacy policies and procedures.

No Application: This minimum necessary standard does not apply to:

- Disclosures to or requests by a health care provider for treatment
- Disclosures made to a client, or a client's personal representative, about the client's own protected health information
- Disclosures made pursuant to, and consistent with, a client's authorization
- Uses or disclosures required for compliance with the HIPAA standard transactions and code sets requirements
- Disclosures of protected health information required by law.