

**HIPAA Privacy Policy #7**  
**Minimum Necessary Uses, Disclosures and Requests**  
**of Protected Health Information**

Effective Date: January 22, 2020	Refer to Privacy Rule Sections: 164.502; 164.512; 164.514
Authorized by: Equinox Board of Directors	Version #: v.

**Policy:** Equinox, Inc. is committed to ensuring the privacy and security of Protected Health Information. While Protected Health Information must be available to certain personnel to ensure proper care, Equinox, Inc. will take reasonable steps to ensure only the minimum amount of Protected Health Information necessary to accomplish the intended use, disclosure or request is disclosed in accordance with the Procedures listed below.

**Procedures:**

1. **Minimum Necessary Uses:** The following personnel require access to specific Protected Health Information in order to carry out their duties as follows:
  - a. **Health Care Providers:** Health care providers may use a patient's Protected Health Information without any limitations in order to treat the patient. Health care providers may review specific Protected Health Information to the extent necessary to supervise or review the performance of other health care providers and as otherwise necessary to manage or operate Equinox, Inc. Providers must identify which Workforce Members require access to specific Protected Health Information to carry out their employment duties. Further, providers must make reasonable efforts to limit the access of Protected Health Information to only those employees who require access to it. *45 C.F.R. § 164.514(d)(2).*
  - b. **Administrative/Support Staff:** Administrative and Support staff may use Protected Health Information only to the extent required to adequately perform specific job responsibilities set forth in relevant job descriptions, contract terms, and Equinox, Inc. Policies and Procedures. Equinox, Inc. must make reasonable efforts to limit the access of Protected Health Information to only those employees who require this information to perform a specific function of their employment duties. *45 C.F.R. § 164.514(d)(2)(b).*
  - c. **Business Associates:** A business associate may use or disclose Protected Health Information only as permitted or required by its business associate contract or other arrangement as required by law. A business associate may not use any Protected Health Information that is beyond that necessary to fulfill its contractual obligation. *45 C.F.R. §§ 164.514 (e)(3)(2), 164.502(e)(i).*
2. **Minimum Necessary Disclosures:**
  - a. **Routine Disclosures:** Equinox, Inc. may make routine (recurring) disclosures of Protected Health Information to third parties as described on Attachment 1 form entitled "Routine Disclosures of Protected Health Information," without obtaining prior approval from the Privacy Officer. *45 C.F.R. § 164.514(d)(3)(i).*

- b. Non-routine Disclosures: Prior to making a non-routine disclosure of Protected Health Information, Equinox, Inc.'s personnel shall consult with the Privacy Officer. *Any disclosure that is not described in Attachment 1 form entitled "Routine Disclosures of Protected Health Information," shall be considered a non-routine disclosure.* The Privacy Officer will review each non-routine request for Protected Health Information that Equinox, Inc. receives from third parties. The Privacy Officer may rely on requests for disclosures from other health care providers, health plans, health care clearinghouses, business associates, and public officials as the minimum necessary for the stated purpose if such reliance is reasonable under the circumstances. In all other cases, the Privacy Officer shall advise Equinox, Inc. personnel as to the minimum amount of Protected Health Information that may be disclosed for a specific purpose. *45 C.F.R. §§ 164.502(e), 164.514(d)(3)*
3. Minimum Necessary Requests:
- a. Routine Requests: Equinox, Inc. may respond to routine (recurring) requests for Protected Health Information to third parties as described on Attachment 1 form entitled "Routine Disclosures of Protected Health Information" without obtaining prior approval from the Privacy Officer. *45 C.F.R. § 164.514(d)(4)(ii).*
  - b. Non-routine Requests to Providers, Plans and Clearinghouses: Equinox, Inc. may request Protected Health Information from another health care provider, health plan or health care clearinghouse without obtaining prior approval from the Privacy Officer, provided that Equinox, Inc. only requests information that is reasonably necessary to accomplish the purpose for which the request is made. *45 C.F.R. § 164.514(d)(4)(i).*
  - c. Other Non-routine Requests: Prior to requesting Protected Health Information from any person or entity other than a provider, plan or clearinghouse, Equinox, Inc.'s personnel shall consult with the Privacy Officer. The Privacy Officer shall determine whether the request is for the minimum necessary for the stated purpose. *45 C.F.R. § 164.512(d)(4)(iii).*
4. Special Rule Regarding Entire Medical Records: Equinox, Inc. shall not use, disclose or request an entire medical record, unless the entire medical record is specifically justified as the amount that is reasonably necessary to accomplish a specific purpose. *45 C.F.R. § 164.514(d)(5).*
5. Exceptions to Minimum Necessary Rule: The Minimum Necessary Rule (i.e., the above Policy and Procedures) does not apply to the following Uses and Disclosures\*:
- a. Treatment: Disclosures\* to or Requests by a health care provider for treatment; *See Equinox, Inc.'s Policy No. 11 entitled "Uses and Disclosures of Protected Health Information With Patient Consent For Treatment."*
  - b. Patient: Disclosures\* to the patient who is the subject of the record (or to his or her personal representative);

---

\* While the Minimum Necessary Rule does not apply to these specific Disclosures, New York law generally requires that any disclosure of patient information must be limited to the information necessary in light of the reason for disclosure, with the **exception** of a disclosure to a patient who is the subject of the record (or their personal representative). *N.Y. Public Health Law § 18.* However, *see* also Policy No. 8 entitled "Personal Representatives," Section 1.

- c. Authorization: Uses or Disclosures\* made pursuant to a written Authorization; *See* Equinox, Inc.'s Policy No. 10 entitled "Consent and Authorization to Use or Disclose Protected Health Information."
- d. Secretary: Disclosures\* to the Secretary of the Department of Health and Human Services for Compliance and Enforcement activities related to HIPAA;
- e. Law: Uses and Disclosures\* required by law; *See* Equinox, Inc.'s Policy No. 29 entitled "Uses and Disclosures of Protected Health Information Without Patient Authorization For As Otherwise Required By Law;" and
- f. HIPAA: Uses and Disclosures\* that are required for Equinox, Inc. to comply with HIPAA. *45 C.F.R. § 164.514(b)(2).*

