

Health Information Compliance Alert

READER QUESTIONS: MINIMUM NECESSARY APPLIES TO PATIENTS' NAMES

Question: Is it OK to call out full names in a waiting room? Can you ask for "John Smith," or should you only ask for "John"?

Answer: Calling out patient names in a covered entity's office or facility is covered under the incidental uses and disclosures rule, reports attorney **Robyn Meinhardt** of Foley & Lardner in Denver.

"And in order for your incidental disclosures to be OK, you've got to apply the safeguarding requirements and the minimum necessary requirements," she tells **Eli**.

So, to answer this question, says Meinhardt, an entity needs to ask the following: What is the minimum necessary amount of information that you need to call out?

"If you just call 'John,' how many people are going to come to the front?" she asks. Perhaps simply calling "John S." would be an application of the minimum necessary rule that would be reasonable for your waiting room or office, Meinhardt suggests.

"On the other hand," she states, "if you stand up there and call 'John S.' and nobody responds and you think maybe people just aren't hearing their name," then it might be perfectly reasonable to go ahead and use the full name to get somebody's attention in a busy waiting room.

"It's one of those flexible standards that you just have to use good sense and apply minimum necessary" requirements, she maintains.