

**DATA USE AGREEMENT BETWEEN
National Center for Health Statistics
Centers for Disease Control and Prevention
Department of Health and Human Services
And
NHAMCS Participating Facility**

The Privacy Rule as mandated by the Health Insurance Portability and Accountability Act (HIPAA) allows facilities to disclose limited data sets (i.e., data sets with no direct patient identifiers) for research and public health purposes if there is a Data Use Agreement between the facility and Centers for Disease Control and Prevention's National Center for Health Statistics (CDC/NCHS). This document serves that purpose and describes how the data will be used and establishes who is permitted to receive or use the data.

Use of Data and Assurances of Confidentiality

CDC/NCHS is charged, under Title 42, United States Code, Section 242k, with supporting statistical and epidemiological activities to improve the effectiveness, efficiency, and quality of health services in the United States. For purposes of health-related research and statistical analysis, CDC/NCHS conducts the National Hospital Ambulatory Medical Care Survey (NHAMCS), which collects information about the ambulatory care that is provided by hospital outpatient and emergency departments, and ambulatory surgery centers that are both hospital-based and freestanding. Specifically, these data are used to describe the patients that utilize these facilities, the conditions treated, and the diagnostic and therapeutic services rendered, including medications prescribed.

According to the Privacy Rule, your facility may release data for the NHAMCS to CDC/NCHS without patient authorization and without accounting for the disclosures when the data set excludes direct identifiers of the individual patients or relatives of patients, employers, or household members of the patient. Direct identifiers such as patient name, address, or telephone number are not collected in the NHAMCS. However, date of visit, patient's birth date, and residential ZIP code, which are not directly identifiable, but are considered protected health information under the Privacy Rule, are collected.

Although the data provided to CDC/NCHS are not directly identifiable, the confidentiality of the data must be protected. As such, all employees of the U.S. Census Bureau, acting as the data collection agents for the NHAMCS, must first sign an affidavit, a legal document making them subject to the Privacy Act, the Public Health Service Act, and other laws that require the data to be protected. Under section 308(d) the Public Health Service Act [42 USC 242m(d)], which strictly controls the release of confidential data, the only persons to be granted access privileges to the protected health information after data collection will be staff of CDC/NCHS and its agents who have (a) been authorized to work with the file, (b) signed the Nondisclosure Statement in the NCHS Staff Manual on Confidentiality and (c) seen the NCHS Confidentiality Video. Census Bureau and NCHS employees are also covered by the provision of the Confidential Information Protection and Statistical Efficiency Act, which provides for a felony conviction and/or fine of up to \$250,000 for unauthorized release of confidential information.

Microdata files of all sampled visits will be released to the public; however, they will not

contain any protected health information. For the public use files, date of visit is converted to month and day of week, birth date is converted to patient's age, and ZIP code is deleted. Patient's ZIP code is used internally to match the visit data to characteristics of the patient's residential area, such as median household income or average winter temperature. This information is used only for public health and research purposes. No authority can obtain identifiable data from CDC/NCHS without prior permission granted to them by the responding facility. CDC/NCHS and its agents physically safeguard the data and are bound by statutory confidentiality restrictions of Section 308(d) of the Public Health Service Act [42 USC 242m(d)]. Under this law, no information collected may be used for any purpose other than that described above. Such information may not be published or released to anyone not described above if it would serve to identify an individual to which it pertains or the establishment supplying it.

CDC/NCHS will be the custodian of the data files and, as such, will be responsible for observing all conditions of use and for establishing and maintaining the security arrangement to prevent unauthorized use of these files. This includes administrative, technical, and physical safeguards. Also, CDC/NCHS will be responsible for observing all conditions of use and for specifying authority for access to these files in accordance with the terms of this Data Use Agreement. For more information on how CDC/NCHS protects your facility's data see www.cdc.gov/nchs/about/policy/confidentiality.htm.

As required by the Privacy Rule [45 CFR 164.514 (e)(4)(ii)], CDC/NCHS agrees to

- not use or further disclose the data collected under this agreement for any purposes not stated above,
- use appropriate safeguards to prevent other use or additional disclosures,
- report to you any disclosures not agreed to, should they occur,
- ensure that any CDC/NCHS agents using the data agree to the above conditions, and
- not try to identify patients or sampled facilities based on the data obtained via this agreement.

More information about the NHAMCS public use data files can be found at www.cdc.gov/NHAMCS. Historically, CDC/NCHS has adhered to the requirements presented in this Data Use Agreement. Thank you for your cooperation.

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Director