National Hospital Ambulatory Medical Care Survey

DATA USE AGREEMENT BETWEEN
National Center for Health Statistics, Centers for Disease Control and Prevention,
U.S. Department of Health and Human Services
And
National Hospital Ambulatory Medical Care Survey Participating Hospital

The Privacy Rule as mandated by the Health Insurance Portability and Accountability Act (HIPAA) allows hospitals 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 hospital and the National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC). 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

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, NCHS conducts the National Hospital Ambulatory Medical Care Survey (NHAMCS), which collects information about the ambulatory care that is provided by hospital outpatient departments and emergency departments. Specifically, these data are used to describe the patients that utilize hospital outpatient and emergency departments, the conditions treated, and the diagnostic and therapeutic services rendered, including medications prescribed.

According to the Privacy Rule, you may release data for the NHAMCS to 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. The NHAMCS does not collect direct identifiers such as patient name, address, or telephone number. We do collect 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.

Although the data provided to NCHS are not directly identifiable, the confidentiality of the data must be protected. As our agents, Census Bureau employees are covered by Section 308(d) of the Public Health Service Act [42 USC 242m(d)], which strictly controls the release of confidential data. They are also covered by the provision of the Confidential Information Protection and Statistical Efficiency Act, which provides for stiff fines and a felony conviction for unauthorized release of confidential information. After data collection, the only persons to be granted access privileges to the protected health information will be staff of 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 videotape.

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 NCHS without prior permission granted to them by the responding hospital. 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 we have not described above if it would serve to identify an individual to which it pertains or the establishment supplying it.

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, 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 NCHS protects your data, visit out Web site at www.cdc.gov/nchs/about/policy/confiden.htm.

As required by the Privacy Rule [45 CFR 164.514 (e)(4)(ii)], 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 nonagreed upon disclosures should they occur.
- Ensure that any CDC agents using the data agree to the above conditions.
- Not try to identify patients or sampled hospitals 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, NCHS has adhered to the requirements presented in this Data Use Agreement and has never had any inappropriate disclosures of its data. Thank you for your cooperation.

Edward J. Sondik, Ph.D.
Director