

National Hospital Ambulatory Medical Care Survey



DATA USE AGREEMENT BETWEEN U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics, AND NHAMCS Participating Hospital

The Privacy Rule (45 CFR Part 160 and Part 164, subparts A and E) as mandated by the Health Insurance Portability and Accountability Act (HIPAA, 45 CFR 164.501) 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, 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, U.S.C., 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.

We take your privacy very seriously. All information that relates to or describes identifiable characteristics of individuals, a practice, or an establishment will be used only for statistical purposes. NCHS staff, contractors, and agents will not disclose or release responses in identifiable form without consent of the individual establishment, in accordance with section 308(d) of the Public Health Service Act (42 U.S.C. 242m(d)) and the Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA, Title 5 of Public Law 107-347). In accordance with CIPSEA, every NCHS employee, contractor, and agent has taken an oath and is subject to a jail term of up to 5 years, a fine of up to \$250,000, or both if he or she willfully discloses ANY identifiable information about you.

NCHS will create NHAMCS public-use data files containing the information you provide. NHAMCS public-use files do not contain any protected health information. Prior to any NHAMCS data being released to the public, NCHS will recode the data such that the date of visit is converted to month and day of the week, and birth date is converted to patient's age. Patient's ZIP code is only used on internal NCHS files to match the visit data to characteristics of the patient's residential area, such as median household income or average winter temperature. All information provided is only used for public health and research purposes. NCHS and its agents physically safeguard the data and are bound by the law cited above. 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 identify the 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, see <https://www.cdc.gov/nchs/about/policy/confidentiality.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 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 <https://www.cdc.gov/NHAMCS>. Historically, NCHS has adhered to the requirements presented in this Data Use Agreement and has a strong record for maintaining privacy and confidentiality during data collection and processing.

Thank you for your cooperation.

A handwritten signature in black ink, appearing to read "Jennifer Madans". The signature is fluid and cursive, with a large initial "J" and "M".

Jennifer Madans, Ph.D.
Acting Director