



DEPARTMENT OF HEALTH & HUMAN SERVICES

Centers for Disease Control
and Prevention

National Center for Health
Statistics 3311 Toledo Road
Hyattsville, Maryland 20782

The National Hospital Ambulatory Medical Care Survey (NHAMCS), conducted by the National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC) is an electronic data collection, gathering information about the portion of ambulatory care provided by hospital emergency departments throughout the United States. The information requested includes data about patient visits, and hospital and department characteristics.

The purpose of this letter is to more fully address issues of possible concern to participating physicians and practices, such as disclosure of patient protected health information (PHI) under Health Insurance Portability and Accountability Act of 1996 (HIPAA), safeguards, use and disclosure of data, and dissemination of information by NCHS.

HIPAA (Public Law 104-191)

Special provisions within HIPAA permit physicians and practices to provide data to public health entities such as CDC/NCHS for Public Health Surveillance purposes. The HIPAA Privacy Rule (45 CFR Part 160 and Part 164, subparts A and E) recognizes (i) the legitimate need for public health authorities and others responsible for ensuring the public's health and safety to have access to protected health information to conduct their missions, and (ii) the importance of public health reporting by covered entities in identifying threats to the public and individuals. The Privacy Rule permits (i) protected health information disclosures without written patient authorization for specified public health purposes, to public health authorities legally authorized to collect and receive the information for such purposes; and (ii) disclosures that are required by state and local public health or other laws [HIPAA regulations (45 CFR 164.501)]. Thus, HIPAA permits physicians and practices to participate in studies of this nature for public health purposes. Because contractors serve as authorized agents of NCHS, it is permissible to disclose data to NCHS contractors for the purposes of this project. The Ethics Review Board (ERB) at CDC's NCHS has reviewed and approved all aspects of this study.

SAFEGUARDS

NHAMCS information is stored and processed by automated information systems that have been subjected to CDC's security authorization processes. All federal requirements concerning administrative, physical, and technical safeguards to protect the confidentiality, integrity and availability of confidential data collected in the NHAMCS are met. Data are transmitted to NCHS and its contractors by secure data networks, and no data are transmitted unless encrypted. Once received, all data are stored on a server with access restricted to authorized users.

NCHS and its agents are required by law to keep all data regarding patients and facilities confidential and to use these data only for research and statistical purposes as stated by

Section 308(d) of the Public Health Service Act [42 United States Code. 242m(d)] and the Confidential Information Protection and Statistical Efficiency Act or CIPSEA [Title III of the Foundations for Evidence-Based Policymaking Act of 2018 (Pub. L. No. 115-435, 132 Stat. 5529 § 302)]. Willful unauthorized disclosure of confidential information is punishable as a Class E felony with fines of up to \$250,000 and 5 years imprisonment, or both. This penalty applies to both NCHS staff and its agents. All NCHS contractors are agents and under legally binding agreements to comply with all requirements for safeguards, access, and disclosure. NCHS staff and its agents are required annually to complete training on confidentiality requirements and practices-including reporting any breach of confidentiality-- and to sign annual non-disclosure agreements confirming intention to abide by all rules and regulations protecting confidential data. Contractor organizations are required to meet the same administrative, physical, and technical safeguards as NCHS and to agree in writing to the same restrictions and obligations with respect to safeguarding confidential information collected in the NHAMCS.

The NCHS has contracted with the U.S. Census Bureau, a federal statistical agency responsible for collecting data on the nation's people and economy, to conduct the NHAMCS.

USE AND DISSEMINATION OF INFORMATION

All information collected by the NHAMCS will be the property of NCHS and will be kept confidential. The identity of specific physicians, practices or individual patients will not be released in any manner except to NHAMCS staff, contractors, and agents--only when required and with necessary controls. Results of the study will be published only in an aggregated manner that will not allow identification of any individual physician or patient. Information intended for inclusion in public use microdata files is reviewed by the NCHS Disclosure Review Board to ensure the risk of disclosure of information that would permit the identification of an individual patient, physician or practice is minimized.

NCHS understands the expectations of data providing facilities to safeguard PHI collected by the NHAMCS and is committed to safeguarding information entrusted to us.

Sincerely,

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