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Limited Data Set Policy

Policy 5015

Purpose:

The purpose of this policy is to define what a limited data set is, and how a limited data set may be used.

Policy:

BCHC may make limited data sets and/or aggregate data derived from practice management (PM) and electronic health record (EHR) data available for analyses or studies that:

1. Advance the mission and purposes of health care delivery in safety net clinics;
2. Are undertaken for health policy, public health or research purposes;
3. Are undertaken by third-party users at governmental, non-profit or academic organizations; and
4. Are processed according to applicable law.

Definitions:

1. Individually Identifiable Information: information that is a subset of health information, including demographic information collected from an individual, and:
 - a. Is created or received by a health care provider, health plan, employer, or health care clearinghouse; and
 - b. Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual; and (i) That identifies the individual; or (ii) With respect to which there is a reasonable basis to believe the information can be used to identify the individual. (45 CFR § 160.103)

2. Limited Data Set: a set of data that may be used for research, public health or healthcare operations without an authorization or waiver of authorization from the patient provided that a data use agreement is first executed. The limited data set excludes the following direct identifiers of the individual or of relatives, employers, or household members of that individual:



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- a. Names;
 - b. Postal address information, other than town or city, State, and zip code;
 - c. Telephone numbers;
 - d. Fax numbers;
 - e. Electronic mail addresses;
 - f. Social security numbers;
 - g. Medical record numbers;
 - h. Health plan beneficiary numbers;
 - i. Account numbers;
 - j. Certificate/license numbers;
 - k. Vehicle identifiers and serial numbers, including license plate numbers;
 - l. Device identifiers and serial numbers;
 - m. Web Universal Resource Locators (URLs);
 - n. Internet Protocol (IP) address numbers;
 - o. Biometric identifiers, including finger and voice prints; and
 - p. Full face photographic images and any comparable images.
3. Data Use Agreement: BCHC must enter into a data use agreement with the recipient of a limited data set. See the attached Data Use Agreement. Data use agreements are agreements between BCHC and the recipient of the limited data set that articulate the following:



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- a. The specifics of the authorized scope of activities related to utilizing the data in terms of purposes related to the interests of BCHC and its specific project goals and objectives, and any other pertinent attributes;
- b. The specific data included in the authorizations including data elements, periods covered and sites included;
- c. The expectation for sharing results with Bullhook and its Management Team and Board of Directors as soon as practical;
- d. Termination for cause provisions that include at least the following: violations of HIPAA provisions well as state laws or regulations, any breaches of privacy or security, and uses of data inconsistent with authorized purposes or commitments about the intend purposes of the project;
- e. Prohibitions preventing the subsequent transfer or use of data by any other parties beyond the employees (or contractors) directly related to specific project;
- f. Disposition of data at termination or completion of the project, including any retention provisions related to the review or audit of project results or analyses;
- g. Proposed date range for third party use;
- h. Ensure that any agents to whom the recipient provides the limited data set agree to the same restrictions and conditions that apply to the limited data set recipient with respect to such information; and
- i. Shall incorporate the content requirements detailed in 45 CFR § 164.514(e) (4) (ii).

4. Sale of Limited Data Sets: Unless permitted by law, BCHC may not receive remuneration from or on behalf of a recipient for the disclosure of a limited data set pursuant to a data use agreement. This Section 4 does not apply to data use agreements that BCHC and a recipient entered into, and currently operate under, prior to January 25, 2013 until the earlier of:

- a. The date such agreement is renewed or modified on or after September 23, 2013; or
- b. September 22, 2014.



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5. Breach: In the case of an improper use or disclosure of unsecured protected health information in a limited data set by BCHC or the recipient of a limited data set, BCHC’s CEO will determine whether notification is required under the BCHC Notification of Breach of Unsecured Protected Health Information Policy.

Compliance:

If any employee of BCHC discovers a pattern of activity or practice by the recipient of a Limited Data Set that constitutes a material breach or violation of the Data Use Agreement, BCHC’s CEO and Management Team shall attempt to cure the breach or end the violation. If curing the breach and ending the violation is not feasible or unsuccessful, BCHC shall discontinue disclosure of Protected Health Information to the recipient and report the problem to the Secretary of Health and Human Services.

References:

1. HIPAA Privacy Rule 45 CFR 164

 Date 1-8-2018
CHIEF EXECUTIVE OFFICER

 Date 1/8/2018
CHAIR, BOARD OF DIRECTORS

Date first adopted	07/13/2015
Date Revised/QI Board approval	06/24/2015, 12/29/2017
New date adopted/Board of Directors approval	07/13/2015, 01/08/2018