


**COUNTY OF IMPERIAL  
DEPARTMENT OF BEHAVIORAL HEALTH SERVICES**

**POLICY AND PROCEDURE MANUAL**

<b>SUBJECT:</b> HIPAA - Limited Data Sets	<b>POLICY NO:</b> 01-81
<b>SECTION:</b> Administration	<b>EFFECTIVE DATE:</b> 11-15-16
<b>REFERENCE:</b> 45 C.F.R. Part 164	<b>PAGE:</b> 1 of 5
<b>AUTHORITY:</b> Behavioral Health Director as the Local Mental Health Director and Alcohol and Drug Administrator	<b>SUPERSEDES:</b> 6-22-16  <b>APPROVED BY:</b> 

**PURPOSE:** To establish a policy regarding the use of limited data sets.

**SCOPE:** The information in this document applies to all members of the workforce which includes employees, contract employees, volunteers, trainees, etc., granted access to protected health information (PHI).

**NOTES:** The Health Insurance Portability and Accountability Act (HIPAA) permits the creation of a "limited data set" that can contain specific individual identifiers when such information is needed for public health, research, or health care operations activities and a "data use agreement" has been executed. There are provisions in HIPAA, state law, and other federal laws when individually identifiable information can be used and disclosed for public health, research, and health care operations without the necessity for a limited data set or data set agreement (e.g., public health disclosures required by law). Therefore, data use agreements would only be needed for these public health, research, or health care operations uses and disclosures that are not otherwise permitted by federal or state laws.

**DEFINITIONS:** Limited Data Set: A subset of protected health information (PHI) that exclude the direct identifiers listed below.

Workforce: Employees, volunteers, trainees, and other persons whose conduct, in the performance of work for the department, is under the direct control of the department, whether or not they are paid by the department.

**POLICY:** Imperial County Behavioral Health Services (ICBHS) may use a limited data set of PHI and enter into a data use agreement with recipients of the limited data set to protect the confidentiality of the individual and to allow ICBHS to use or disclose such information for research, public health or healthcare operations without the individual's authorization. Any disclosure or request for a limited data set must adhere to the minimum necessary requirements of the federal privacy regulations.

Limited data sets do not need to be included in an accounting of disclosures.

**Elements of Limited Data Set**

ICBHS may, without an authorization from the individual, either:

1. Use PHI to create a limited data set; or,
2. Disclose PHI to a business associate for the sole purpose of creating a limited data set, independent of whether ICBHS intends to use the limited data sets.

To qualify as a limited data set, the following identifiers for individuals, or relatives, employers or household members of these individuals can be associated with health information:

1. Admission, discharge and dates of service;
2. Date of death;
3. Age (including age 90 or over);

4. Five digit zip code or any other geographic subdivision;
5. Date of birth

**Creation of Limited Data Set**

To create a limited data set, the PHI must exclude the following direct identifiers of the individual or of relatives, employers, or household members of the individual:

- a. Names
- b. Postal address information, other than town or city, state, and zip code
- c. Telephone numbers
- d. Fax numbers
- e. E-mail addresses
- f. Social Security Number (SSN)
- g. BC number
- h. Health beneficiary plan number
- i. Account numbers
- j. Certificate/License number
- k. Vehicle identifiers, including license plate numbers
- l. Device identifiers and serial number
- m. Web Uniform Resource Locator (URL)
- n. Identifier Protocol (IP) addresses numbers
- o. Biometric identifiers
- p. Full face photographic images and other comparable images
- q. Any other unique identifying number characteristic, code.

**Data Use Agreement**

ICBHS may use or disclose a limited data set only if ICBHS obtains satisfactory assurance, in the form of a data use agreement, that the limited data set recipient will only use or disclose the PHI for limited purposes. The data use agreement must:

1. Establish the permitted uses and disclosures of the information which may include research, public health, healthcare operations, or as otherwise required by law, and may not authorize the limited data set recipient to sue or further disclose the information in a manner that would violate the federal privacy regulations if performed by ICBHS;
2. Establish who is permitted to use or receive the limited data set; and,
3. Provide that the limited data set recipient will:
  - a. Not use or further disclose the information other than as permitted by the data use agreement or as otherwise required by law;
  - b. Use appropriate safeguards to prevent the use of disclosures of the information other than as provided for by the data use agreement;
  - c. Report to ICBHS any use or disclosure of the information not provided for by its data agreement of which it becomes aware;
  - d. Request the minimum amount of information necessary to fulfill the requirement of the request;
  - e. Ensure that any agents, including a subcontractor, to whom it provides the limited data sets agrees to the same restrictions and conditions that apply to the limited data set recipient with respect to such information; and,
  - f. Not re-identify the information or contact the individuals whose data is being disclosed.

**Compliance**

If ICBHS knows of a pattern of activity or practice of a limited data set recipient that constitutes a material breach or violation of the data use agreement, ICBHS must take reasonable steps to cure the breach or end the violation, as applicable, and, if such steps are unsuccessful:

1. Discontinue disclosure of the PHI to the recipient; and,
2. Report the problem to the ICBHS Privacy Officer.  
If ICBHS is a recipient of a limited data set, ICBHS must comply with the requirement applicable to limited data set recipients set forth in this policy.

**Enforcement**

Management and supervisors are responsible for enforcing this policy and associated procedure(s). Members of the workforce who violate this policy or associated policies or procedures are subject to disciplinary actions appropriate to the nature of the violation in accordance with the ICBHS sanction policy.