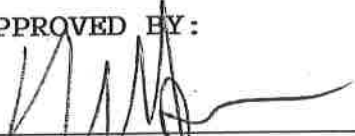


COUNTY OF IMPERIAL  
DEPARTMENT OF BEHAVIORAL HEALTH SERVICES  
POLICY AND PROCEDURE MANUAL

<b>SUBJECT:</b> Using and Disclosing Limited Data Sets	<b>PROCEDURE:</b> 01-34
<b>SECTION:</b> Administration	<b>EFFECTIVE DATE:</b> 4-14-03
<b>REFERENCE:</b> 45 C.F.R. Section 164.514 (e) (1)	<b>PAGE:</b> 1 of 3
<b>AUTHORITY:</b> Behavioral Health Director as the Local Mental Health Director and Alcohol and Drug Administrator	<b>SUPERSEDES:</b> New Procedure
	<b>APPROVED BY:</b> 

**PURPOSE:** To establish a process permitting disclosures of limited data sets.

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

**NOTES:** Section 164.514(e) (1) of the Health Insurance and 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 operation uses and disclosures that are not otherwise permitted by federal or state laws.

**DEFINITIONS:** Limited Data Set: A subset of PHI that exclude the direct identifiers listed below.

Protected Health Information (PHI): Individually identifiable information relating to past, present, or future physical or mental health condition of

an individual, provision of health care to an individual, or the past, present, or future payment for health care provided to an individual transmitted or maintained in any form or medium including oral, written, or electronic communication.

Workforce: Employees, volunteers, trainees, and other persons whose conduct, in the performance of work for the covered entity, is under the direct control of such entity, whether or not they are paid by the covered entity. In this procedure, the term "employee" is used to refer to the workforce.

**PROCEDURE:**

PERSON RESPONSIBLE

ICBHS Employee

ACTION:

1. May use and disclose a limited data set if all the following requirements are met.
  - a. The limited data set has been de-identified as described in Procedure 01-26, De-identification of Protected Health Information except that the following may be associated with the 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
  - b. The limited data set is used only for research, public health or health care operations.

ICBHS Employee (cont.)

- c. ICBHS enters into a data use agreement with the recipient of the limited data set that contains the following elements:
- 1) Lists the permitted uses of the limited data set health information
  - 2) List who will have access to the limited data set
  - 3) States that the health information will not be used beyond the limits set forth in the contract
  - 4) States that the limited data set will be appropriately safeguarded by the recipient
  - 5) States that the recipient will report to ICBHS if the health information is inappropriately disclosed
  - 6) States that any subcontractors of the limited data set recipient will agree to the same restrictions on the use of the limited data set
  - 7) States that the recipient will not identify or contact the client
  - 8) States that ICBHS may terminate the data use agreement if it learns that the recipient violated any terms of the agreement and steps to correct the breach have failed.

Forms used in this procedure:

None