

## Frequently Asked Questions about HIPAA

### ***What is HIPAA and to whom does it apply?***

HIPAA (Health Insurance Portability and Accountability Act) is a legislative act that governs how an individual's protected health information (PHI) may be used and disclosed by health care providers. It applies to any type of organization listed in the privacy regulations as a "covered entity." Within the scope of The National Child Traumatic Stress Network, your facility is the "covered entity," because your facility houses the PHI and is responsible for its use and disclosure.

### ***To what information do the privacy regulations apply?***

The privacy regulations apply to any identifiable PHI – in other words, information that may be used to identify the individual to whom it pertains. Examples of identifiable information, or identifiers, include name, address, Social Security number, phone or fax numbers, employers' or relatives' names or addresses, dates, medical record number, photographs, or any other characteristics that may be used to identify the individual.

### ***What is a Limited Data Set?***

A limited data set is a data set in which the following identifiers have been removed:

- Name
- Street address or box number
- Telephone and fax numbers
- Vehicle ID numbers and serial numbers
- URL's, IP addresses, and email addresses
- Full-face photographs
- Social Security Number
- Medical record number
- Health plan beneficiary numbers and other account numbers
- Device identifiers and serial numbers
- Biometric identifiers
- Certificate or license numbers

It is permissible for the limited data set to include certain indirect identifiers, such as dates, as long as the data are used for research, public health, or health care operations. By this definition, the data collected in The National Child Traumatic Stress Network are a limited data set. Therefore, in order to ensure that the PHI included in the limited data set remains protected under the privacy regulations, a Data Use Agreement is necessary.

### ***What is a Data Use Agreement?***

A Data Use Agreement (DUA) is an agreement between a covered entity (i.e. your facility) and the recipient of a limited data set (Duke Clinical Research Institute (DCRI)). The DUA provides assurance to your facility that DCRI will protect the privacy of the individual and the confidentiality of the data. It specifies how the data will be used; that DCRI, as the recipient of the limited data set, will keep the data secure; and that DCRI will not try to identify or contact the individuals whose data are in the limited data set. The DUA is to be completed by each site, so that the confidentiality requirements within the document will be in force.

### ***How does this differ from a Business Associate Agreement?***

A Business Associate Agreement (BAA) is a contract between a health care organization and companies or individuals who provide services to it. Since DCRI does not provide a service to your facility, the BAA does not apply. The Data Use Agreement is the appropriate document under HIPAA that outlines how the PHI that your facility provides to The National Child Traumatic Stress Network limited data set will be used.

### ***Why is the Data Use Agreement necessary?***

Without the Data Use Agreement, your facility's participation in The National Child Traumatic Stress Network would be outside of the HIPAA regulations for appropriate use of PHI. Completion of the DUA ensures that both your facility and DCRI remain in compliance with the HIPAA regulations.

### ***Is there a website containing more information about HIPAA?***

The official Department of Health and Human Services website that addresses HIPAA may be accessed at <http://www.hhs.gov/ocr/hipaa/>.