

# Creation of a Limited Data Set under the HIPAA Privacy Rule

## RATIONALE

The Health Insurance Portability and Accountability Act (HIPAA), defines a “limited data set” and appropriate uses and/or disclosures. A limited data set is protected health information (PHI) that excludes direct identifiers. Palmer College of Chiropractic Health Care Component (PCC HCC) and Palmer College of Chiropractic Affiliated Covered Entities (PCC ACE) uses and/or discloses a limited data set only for the purposes of public health activities, research or health care operations. Such use or disclosure requires a data use agreement between the entity sharing or disclosing the limited data set and the recipient.

## PURPOSE

This Creation of a Limited Data Set under the HIPAA Privacy Rule policy (Policy) establishes and describes the expectations of Palmer College of Chiropractic (College) regarding how a limited data set may be created, used and/or disclosed in accordance with HIPAA.

## SCOPE

This Policy applies to the entire College community, which is defined as including the Davenport campus (Palmer College Foundation, d/b/a Palmer College of Chiropractic), West campus (Palmer College of Chiropractic West) and Florida campus (Palmer College Foundation, Inc., d/b/a Palmer College of Chiropractic Florida) and any other person(s), groups, or organizations affiliated with any Palmer campus.

## DEFINITIONS

For the purposes of this Policy, the following terms shall have the meanings specified below:

- > The term “**business associate**” refers to a person or entity not affiliated with Palmer College of Chiropractic that performs or assists in performing for or on behalf of any unit in the Palmer College of Chiropractic Health Care Component, business support functions/services that involve the use of Protected Health Information.
- > The term “**College**” refers to Palmer College of Chiropractic, including operations on the Davenport campus; West campus; and Florida campus.

- > The term **“College community”** refers to all students, faculty, staff (including administration), and any other person(s), groups, or organizations affiliated with any Palmer campus.
- > The term **“data use agreement”** refers to an agreement between the entity that shares or discloses PHI and recipient of the PHI by which recipient agree only to use or disclose the PHI for limited purposes as specified in this Policy.
- > The term **“health care operations”** refers to business and administrative activities, including:
  1. Conducting quality assessment and improvement activities;
  2. Reviewing the competence or qualifications of health care professionals;
  3. Conducting training programs;
  4. Accreditation;
  5. Credentialing;
  6. Conducting or arranging for medical review, legal services and auditing functions;
  7. Business planning and development;
  8. Business management and general administrative activities;
  9. Conducting clinical research; and/or
  10. Marketing and fundraising activities.
- > The term **“Palmer College of Chiropractic Health Care Component”** (PCC HCC) refers to those health care units of Palmer College Foundation and Palmer College of Chiropractic West that have been designated as part of its health care component. For more information, refer to the Institutional Policy, Designation of the Palmer College of Chiropractic Health Care Component.
- > The term **“protected health information”** (PHI) refers to information, including demographic information, which relates to the individual’s past, present or future physical or mental health or condition; the provision of health care to the individual; or the past, present or future payment for the provision of health care to the individual, and that identifies the individual or for which there is a reasonable basis to believe can be used to identify the individual. PHI

includes many common identifiers (e.g. name, address, birthdate, Social Security number) when such can be associated with the health information listed above. PHI does not include student records held by educational institutions or employment records held by employers. However, this information is still treated confidentially under other applicable laws.

- > The term “**public health activities**” refer to the activities of public health authorities who are legally authorized to receive PHI for the purpose of preventing or controlling disease, injury or disability (e.g. the reporting of a disease or injury; reporting vital events, such as births or deaths; and conducting public health surveillance, investigations, or interventions).
- > The term “**public health authority**” refers to an agency or authority of the United States government, a state, a territory, a political subdivision of a state or territory, or Native American tribe that is responsible for public health matters as part of its official mandate, as well as a person or entity acting under a grant of authority from, or under a contract with, a public health agency.
- > The term “**research**” refers to a systematic investigation, including research development, testing, and evaluation designed to develop or contribute to generalizable knowledge.

## **ADMINISTRATIVE RULES**

A PCC HCC unit (hereafter referred to as “department”) may use or disclose a limited data set only for the purposes of research, public health activities or health care operations.

A PCC HCC department may use PHI to create a limited data set, whether or not the limited data set is to be used by the PCC HCC department or disclosed to another entity or individual, without patient authorization.

A PCC HCC department may disclose PHI to a business associate in order to create a limited data set, whether or not the limited data set is to be used by the PCC HCC department or disclosed to another entity or individual, without patient authorization. Additional requirements apply before disclosing PHI to a business associate (see Institutional Policy, Managing Arrangements of Business Associates with Palmer College of Chiropractic).

### ***Direct Identifiers to be Removed from a Limited Data Set***

A PCC HCC department may create a limited data set if the following direct identifiers of the patient or of relatives, employers, or household members of the patient, are removed:

1. Name;
2. Postal address information, other than town or city, state and ZIP code;
3. Phone numbers;
4. Fax numbers;
5. E-mail addresses;
6. Social Security number;
7. Medical record number;
8. Health plan beneficiary number;
9. Account numbers;
10. Certificate/license numbers;
11. Vehicle identifiers and serial numbers;
12. Device identifiers and serial numbers;
13. URLs;
14. Internet protocol (IP) address numbers;
15. Biometric identifiers (e.g., fingerprints); and
16. Full-face photographic and any comparable images.

### ***Data Use Agreements***

The PCC HCC department may use or disclose a limited data set only if it obtains satisfactory assurance, in the form of a data use agreement, that the data recipient will only use or disclose the limited data set for specified purposes.

The data use agreement must:

1. Establish the permitted uses and disclosures of such information by the limited data set recipient, which may be for research, public health activities or health care operations only.
2. Establish who is permitted to use or receive the limited data set.
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 use or disclosure of the information other than as provided for by the data use agreement;
  - c) Report to the PCC HCC department any use or disclosure of the information not provided for by its data use agreement of which it becomes aware;
  - d) Ensure that any agents, including a subcontractor, to whom it provides the limited data set agrees to the same restrictions and conditions that apply to the limited data set recipient with respect to such information; and
  - e) Not identify the information or contact the individuals.

### ***Compliance***

A PCC HCC department is not in compliance with this Policy or with HIPAA regulations if the PCC HCC department knows of a pattern of activity or practice of the limited data set recipient that constitutes a material breach or violation of the data use agreement and the PCC HCC department fails to take reasonable steps to cure the breach or end the violation and, if such steps are, unsuccessful:

1. Discontinues disclosure of the PHI to the recipient; and
2. Reports the problem to the Secretary of the Department of Health and Human Services and the College's Office of Compliance.

### ***Documentation Requirements***

The PCC HCC department will retain a copy of each data use agreement entered into with a limited data set recipient for at least six (6) years from the date the data use agreement is

terminated, and provide a fully executed copy of the data use agreement to the PCC HIPAA Privacy Officer.

## **STANDARD INSTITUTIONAL POLICY PROVISIONS**

Institutional policies are supplemented by provisions that are applicable to all institutional policies. It is the responsibility of all employees and students to know and comply with these standards.

- > [Standard Provisions Applicable to All Institutional Policies](#)

## **Additional Information**

### **ASSOCIATED POLICIES, PROCESSES AND/OR PROCEDURES**

This Policy is supplemented below. It is the responsibility of all employees and students to know and comply with policies and procedures as supplemented.

#### **POLICIES**

- > [Designation of the Palmer College of Chiropractic Health Care Component](#)
- > [Managing Arrangements of Business Associates with Palmer College of Chiropractic](#)

### **PROCESSES AND/OR PROCEDURES**

- > N/A

### **FORMS/INSTRUCTIONS**

- > [Data Use Agreement for Disclosures of Limited Data Sets](#)

### **OTHER RELATED INFORMATION**

- > 45 CFR 164.514(e) (HIPAA Privacy Rule)

## CONTACTS

### *Privacy Officers*

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## HISTORY

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