

Exhibit 293

(Rev. 67, Issued: 10-18-10, Effective: 10-18-10, Implementation: 10-18-10)

DUA #

CMS DUA: ACTS SOR Attachment - P&A

[Attachment to CMS Data Use Agreement (Form CMS-R-0235) for Disclosures to Protection and Advocacy Organizations (P&A) Consistent With the ACTS System of Record (SOR)]

This Attachment describes how the CMS Data Use Agreement (DUA) applies to the Automated Survey Processing Environment (ASPEN) Complaint Tracking System (ACTS) System of Record (SOR) with respect to disclosure to a State-mandated Protection and Advocacy (P&A) organization of data related to a hospital report of a death associated with *the* use of restraint or seclusion.

Clarifications to DUA Sections:

The section references found below refer to the CMS DUA (Form CMS-R-0235) that must be signed by each P&A organization accessing hospital restraint and seclusion-related death report information.

- The reference to the Health Insurance Portability and Accountability Act in the introductory paragraph is not applicable.
- Section 4: CMS Contract # is not applicable. This DUA applies to an entity designated by a State to serve as a State-mandated P&A organization.
- Section 4: In its entirety, the second paragraph concerning the use of data for a study or research, etc. is not applicable for purposes of this Agreement. The permissible data uses can be found below in this Attachment.
- Section 5: All Hospital Restraint/Seclusion Death Report Worksheets for which on-site investigations are authorized are covered by the DUA and will continue to be covered as long as the ACTS SOR exists.
- Section 6: This completion date is not applicable to the use of data under the ACTS SOR.
- Section 9: This section does not apply to the use of ACTS SOR data for investigative purposes and/or reports by a state-designated P&A organization.

Permissible Data Uses:

The ACTS SOR permits certain disclosures to assist a State-mandated P&A organization that provides legal representation and other advocacy services to beneficiaries. Under the DUA, the Requestor, as a State-mandated P&A organization, may use hospital restraint/seclusion death report data released to it to investigate such incidents. This and any other disclosure or use of personally identifiable information under the ACTS SOR is governed by the terms of the DUA and, thereby, terms of the Privacy Act of 1974, Centers for Medicare & Medicaid Services (CMS) data release policies, and the ACTS SOR Notice of May 23, 2006.

Requestor's Initials and Date

The language contained in this Attachment cannot be altered in any form.