



New CMS DUA Expiration Policy

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Agenda



- Why the change in policy
- How it will effect users DUA(s)
- How users Extend/Close DUA(s)
- Replacing Contacts on DUA(s)

CMS DUA Policies and Procedures



CMS DUA policies and procedures may be found on our web site at:

www.cms.gov/Privacy

Policy Update



Effective October 1, 2011, the Centers for Medicare & Medicaid Services (CMS) policy for Data Use Agreements (DUA) expiration dates changed. CMS has determined that in response to the ever increasing cyber attacks against computer systems/networks operated by the Federal government as well as the private sector, CMS is refining and further restricting our policy for the retention of CMS data via a DUA.

CMS' New DUA Policy



1. All DUAs will have an expiration date, regardless of the type of DUA, no exceptions
2. All DUAs will have an initial expiration date of no more than 365 days from the creation date
3. All DUAs must be revalidated annually by the DUA Requestor stating that the data continues to be needed for their Project/Study as originally requested
4. All DUA extensions will be granted for no more than 365 days from the current date
5. There will no longer be a maximum number of allowable extensions for a DUA as long as item #3 above is validated annually
6. Currently open DUAs that previously had an expiration date on or after October 2, 2012 have been assigned/reassigned a new expiration date

How This Affects Your DUA



- To meet the requirements in the policy, many DUAs have been assigned new DUA expiration dates.
 - All requestors and custodians are being notified of their DUA's new expiration date.
- Requestors and custodians will have to manage their DUA expiration dates and request extensions or closures of their DUAs appropriately
 - Extensions should be requested no later than 60 - 90 days prior to the expiration date on the DUA
 - Email notices will go out to requestors and custodians 90 days, 60 days, 30 days and then every day thereafter prior to the expiration date on the DUA.



Extending a CMS DUA: Extension Justification Statement

- Send To DataUseAgreement@cms.hhs.gov
- Subject line: **DUA ##### - Extension Request**

“We are currently still using this data as originally requested for our Project/Study. We understand that the data in this DUA may not be used in any form for any additional work outside the scope of this DUA without the expressed written consent of CMS’ Privacy Staff. We request a one (1) year [or less if applicable] extension for this DUA.”

- Do not include Addendum changes in extension request emails

E-Mail Extension Example

 Send	To...	DataUseAgreement@cms.hhs.gov
	Cc...	
	Subject:	DUA ##### - Extension Request

We are currently still using this data as originally requested for our Project/Study. We understand that the data in this DUA may not be used in any form for any additional work outside the scope of this DUA without the expressed written consent of CMS' Privacy Staff. We request a one (1) year [or less if applicable] extension for this DUA.

Sincerely,

Mr. Adata Requestor



Closing your CMS DUA

- Data users complete the *CMS DUA Certificate of Destruction* form using the link found on the following on our web site at:
 - www.cms.gov/Privacy
- In the "CMS Data Files Destroyed" section, the file(s) being destroyed must be listed exactly as they are listed for your DUA in our Database. Refer to your most recent .htm file for your DUA that you received from the CMS DUA Team or the expiration notice e-mail that you recently received for the DUA from CMS for a complete listing of the data files contained in the DUA.
- After completing the form; print, sign, scan and send as an e-mail attachment to DataUseAgreement@cms.hhs.gov Place in the subject line **DUA ##### - Closure Request**
- The CMS DUA Team will send you an e-mail confirming the closure of your DUA.

CMS DUA



Requestor/Custodian Changes

- To replace a Requestor or add a Custodian to a DUA, complete the CMS Data Use Agreement (DUA) Addendum on our web site.
 - www.cms.gov/Privacy
 - After completing the form, print, sign, scan and send as an e-mail attachment to DataUseAgreement@cms.hhs.gov
- To remove a Custodian from a DUA, send an e-mail to DataUseAgreement@cms.hhs.gov and state explicitly which individual(s) should be removed from which DUA.

Timeframe for DUA Team to complete your request



Note: Following the release of new data sets (e.g. Limited Data Set [LDS] files or Disproportionate Share [DSH] data), additional time may be required due to the increased volume of requests.

- Current DUA Extensions & Closures 1-5 business days
- Current DUA Requestor & Custodian changes 1-5 business days
- Oversight Agencies 1-5 business days
- Disproportionate Share Hospital (DSH) 3-5 business days
- CMS Contracts 10-14 business days
- Limited Data Sets (LDS) 6-8 weeks



Questions????

www.cms.gov/Privacy

DataUseAgreement@cms.hhs.gov