CMS Disclaimer—User Agreement
Privacy Protected Data—Custom Requests
April 26, 2004

The Center for Medicare & Medicaid Services (CMS) is responsible for administering the Medicare, Medicaid and State Children's Health Insurance Programs. Our agency resources, including staff and computing resources, are primarily dedicated to agency operations. CMS is committed to providing data to other Federal agencies and to the public according to law and as our resources permit. CMS supports these requests with the resources available after agency mission needs have been met.

The increase in CMS mission responsibilities resulting from enactment of the Medicare Drug Improvement and Modernization Act (MMA) has further strained our staffing and computing resources. This disclaimer details the restrictions on CMS services in supporting data requests so that data requestors can plan their projects accordingly. It also specifies the responsibility of the data user and of CMS in regard to the delivery, processing, and understanding of the data files.

Timeframes for data delivery: The HIPAA Privacy Rule, 45 C.F.R. Parts 160 and 164, now require that privacy-protected data requests are approved by the CMS Privacy Board. This board meets monthly to review all requests on their docket. The Board is unable to review every outstanding request within a one month period. Therefore, privacy approval may take up to two months or more. Data processing can take an additional 3-6 months, depending on whether the request is for current or archived files. Therefore, please estimate at least 6-8 months for a request to be processed. CMS will make every effort to process requests in a timely manner, but we cannot guarantee that resources are available to meet any timeframe.

Data accuracy: CMS publishes data that is used by the agency for operational purposes. We use agency standard matching and cross-referencing routines. The requestor accepts the agency data and the agency routines used to produce the data. CMS cannot commit resources to explain or validate its complex matching and cross-referencing programs to requestors.

CMS also publishes the best and most complete documentation available about the file formats and the data. CMS does not insure 100% accuracy of all records and all fields. Some data fields that are not used for agency functions may contain incorrect or incomplete data. Users must familiarize themselves with the detailed data dictionary that is included with every file and published on the internet (www.cms.hhs.gov/data/requests). A history of each data element, including changes, quality issues, and corrections, is in the data dictionary. Users accept the quality of the data they receive. CMS will not resolve data discrepancies or data questions raised by users. If users would like to report a systemic problem with the data, they may do so. CMS may not have the resources to verify the discrepancy. If the problem is verified, CMS will revise its data documentation.

Data integrity: CMS will ensure that each requestor receives the data requested. Questions about the data must be addressed to CMS within 60 days of receipt. Any alteration of the original data, including conversion to other media or other data formats, is the responsibility of the requestor. Data that has been manipulated or reprocessed by the user is the responsibility of the user. CMS will discuss only the original data delivered to determine that the initial request has been properly processed. CMS has no responsibility for the data after it has been converted, processed or otherwise altered. CMS has no responsibility for assisting users with converting the data to another format.

By signing below, I accept the level of support described above.

_____   _____
Signature   Date

Name
Title/Position
Company
Title of data request
Phone
E-mail
Address