

Re: The Academy of Nutrition and Dietetics Health Informatics Infrastructure (ANDHII)

Dear Privacy Officer:

You are receiving this letter because your providers or institution will be participating in the Academy of Nutrition and Dietetics Health Informatics Infrastructure (ANDHII). This letter is meant to provide information regarding the ANDHII as it relates to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

ANDHII allows dietitians to record clinical data using standardized language and to track and analyze patient outcomes. Dietitians will use the ANDHII web-based application to record certain information, which will be maintained and stored by the Academy. Participation in this component of ANDHII does not require the submission of any “protected health information” as that term is defined under HIPAA; rather all information required by ANDHII will be de-identified.

The ANDHII system allows for dietitians to record a variety of clinical data. However, ANDHII will not provide users with the ability to enter any of the identifiers that must be removed under 45 CFR 164.514(b)(2) for the data to be considered de-identified. For example, ANDHII does not have a place for users to submit names, dates of birth, insurance numbers, or medical record numbers. The ANDHII will allow users to record the state of the patient’s residence, but no other geographical information. A user can record the patient’s age, but the application will convert any ages greater than 89 into the text “>89” prior to transmission and storage. When a user enters information about a patient, the ANDHII system will generate a “dummy” number that is a randomly generated alphanumeric string (code number). The user will be instructed to retain the ability to identify the patient from the code number, but ANDHII will not ask for the ability to identify the patient based on the code number. Finally, the Academy does not have any knowledge that the data fields that can be recorded by a user could be used alone or in combination with the other information to identify any patient. Before a user can access ANDHII the user will be required to verify through a “Participation and End User License Agreement” that the user does not have any actual knowledge that the information submitted by the user could be used alone or in combination with other information to identify any patient.

Because de-identified information is not “protected health information” HIPAA does not apply to the disclosure of the data to the Academy. As a result, the parties are not required to enter into a HIPAA business associate agreement.

In addition to using the de-identified data to provide data analysis to each user, the Academy also plans to use the de-identified data for research. According to the Office for Human Research Protections, Guidance on Research Involving Coded Private Information or Biological Specimens, such research would not be considered human subjects research under the Common Rule because the Academy researchers would not have interactions with the patients, nor would they have the ability to identify the individuals, <http://www.hhs.gov/ohrp/policy/cdebiol.html>

If you have any questions regarding ANDHII and HIPAA please feel free to contact

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Please note that this letter is for information purposes only and is not intended to provide legal advice. You should independently determine that the use and disclosure of the information with respect to ANDHII complies with applicable law.

Best Regards,

William Murphy

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Alison Steiber

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