# Obtaining CMS Data for the National Health and Aging Trends Study (NHATS)

**May 2022 (Version 3.0)**

# Contents

# I. Introduction

This document describes procedures for researchers to access Centers for Medicare and Medicaid Services (CMS) data files linked to the National Health and Aging Trends Study (NHATS). These linked files are NHATS Restricted Data that require additional protections to minimize risks of identifying participants. Access to these files is available to qualified researchers via the Health and Aging Data (HaAD) Enclave administered by MedRIC.

Researchers interested in access to other NHATS Restricted Data, including Geographic Data for NHATS and NSOC, should apply following procedures provided in "Obtaining National Health and Aging Trends Study Restricted Data from the NHATS Restricted Data Repository" (see https://www.nhats.org/researcher/data-access). With the exception of HRR and restricted tracker files, other restricted data files are not permitted to be linked to NHATS-CMS Linked Files. Requests for other geographic-based contextual linkages will be reviewed on a case-by-case basis. Investigators should contact NHATS for instructions.

Each NHATS-CMS Linked Files application will be reviewed by NHATS for conformance with the requirements outlined in these materials. Questions regarding the application process may be sent to: nhatsdata@westat.com using the subject heading: *NHATS-CMS linked data question*.

# II. The Health and Aging Data (HaAD) Enclave

NHATS-CMS Linked Files are accessed through the Health and Aging Data (HaAD) Enclave. The HaAD Enclave is a secure virtual desktop for accessing CMS data linked to NIA-funded studies. Data remain on the HaAD enclave servers and are accessed and analyzed by approved users virtually via a secure connection. For more information on the HaAD Enclave, please visit the MedRIC website: https://www.medric.info/data-enclave/enclave-pages/enclave.

# III. CMS Files Available

Files are organized by calendar year and are available as shown in the table below. All NHATS participants are included in all files although years of data vary due to factors such as length of enrollment in the Medicare program or death. Requests may be made for specific years or for all years as indicated on the NHATS-CMS Linked Data Request Form (see Section VIII). In addition to specifying files and years of data, requestors select a file format: (1) Standard format, which omits geographic and provider identifiers (meets the needs of most researchers), or (2) Provider format, which omits geographic identifiers but includes provider identifiers (justification required).

| Files | Years Available |
|---|---|
| **Medicare Enrollment Data** | |
| Master Beneficiary Summary File (MBSF): Base – Segment (A/B/C/D) | 2006 - 2021 |
| **Medicare Summary Files** | |
| Master Beneficiary Summary File (MBSF): Chronic Conditions | 2006-2020 |
| Master Beneficiary Summary File (MBSF): Cost & Utilization | 2006-2020 |
| Master Beneficiary Summary File (MBSF): Other Chronic or Potentially Disabling Conditions | 2006-2020 |
| **Medicaid Enrollment Data** | |
| Medicaid Analytic eXtract (MAX) Personal Summary (PS) Enrollment Data | 2006-2015 |
| TMSIS Analytic Files (TAF) Demographic and Eligibility (DE) Enrollment Data | 2014-2019 |

| | |
|---|---|
| **Medicare Part A & B Claims Data** | |
| Medicare Carrier (PB) Claims | 2006-2021 |
| Medicare Durable Medical Equipment (DM) Claims | 2006-2021 |
| Medicare Home Health (HH) Claims | 2006-2021 |
| Medicare Hospice (HS) Claims | 2006-2021 |
| Medicare Inpatient (IP) Claims | 2006-2021 |
| Medicare Outpatient (OP) Claims | 2006-2021 |
| Medicare Skilled Nursing Facility (SN) Claims | 2006-2021 |
| MedRIC-Built Medicare Provider Analysis & Review (MedPAR) | 2006-2020 |
| **Part C Claims Data** | |
| Medicare Carrier Encounter Claims | 2015-2019 |
| Medicare Durable Medical Equipment (DME) Encounter | 2015-2019 |
| Medicare Home Health Agency (HH) Encounter Claims | 2015-2019 |
| Medicare Inpatient (IP) Encounter Claims | 2015-2019 |
| Medicare Outpatient (OP) Encounter Claims | 2015-2019 |
| Medicare Skilled Nursing Facility (SNF) Encounter Claims | 2015-2019 |
| **Medicare Part D Medication Therapy Management (MTM)** | 2013-2019 |
| **Medicaid Claims Data** | |
| Medicaid Analytic eXtract (MAX) Inpatient (IP) Claims | 2006-2015 |
| Medicaid Analytic eXtract (MAX) Long Term Care (LT) Claims | 2006-2015 |
| Medicaid Analytic eXtract (MAX) Other Services (OT) Claims | 2006-2015 |
| Medicaid Analytic eXtract (MAX) Prescription Drug (RX) Data | 2006-2015 |
| TMSIS Analytic Files (TAF) Inpatient (IP) Claims | 2014-2019 |
| TMSIS Analytic Files (TAF) Long Term Care (LT) Claims | 2014-2019 |
| TMSIS Analytic Files (TAF) Other Services (OT) Claims | 2014-2019 |
| TMSIS Analytic Files (TAF) Pharmacy (RX) Data | 2014-2019 |
| **Inpatient Rehab Facility-Patient Assessment Instrument (IRF-PAI) CMS Questionnaire/MedRIC Categories** | 2006-2020 |
| **Long Term Care Minimum Data Set (MDS) CMS Questionnaire/MedRIC Categories** | 2006-2021 |
| **Medicare Part D Prescription Drug Event (PDE) MedRIC Categories** | 2006-2021 |
| **Outcome and Assessment Information Set (OASIS) CMS Questionnaire/MedRIC Categories** | 2006-2021 |

## IV. Requirements for Applicants for NHATS-CMS Linked Files

To be eligible to receive NHATS-CMS Linked Files, an investigator must:

1) have a PhD or other terminal degree (e.g. MD; MPH) and hold a full-time faculty-level (or equivalent research) appointment at a U.S.-based university or research institution, and
2) be affiliated with an Institution that holds a Federal Wide Assurance (FWA) from the Office for Human Research Protection of the Department of Health and Human Services (see http://www.hhs.gov/ohrp/assurances/assurances/filasurt.html).

Investigators collaborating at different institutions must have one Investigator at each institution who meets the qualifications to apply if both institutions are requesting access to the data through the HaAD enclave.

Pre- and Post-doctoral students interested in applying for access to NHATS restricted data must have their mentor/advisor apply as the applicant and may be listed as research staff on the application.

**Roles referenced in this document:**

**Investigator** – This individual is considered the principal investigator of the project and must meet all applicant requirements
**Co-Investigator** – This individual collaborates with the requesting investigator and must hold a faculty-level (or equivalent research) appointment at the Investigator's institution
**Research Staff** – This individual must have a formal affiliation with the Investigator's institution and be under the supervision of the Investigator
**Receiving Agency Representative** – This individual has authority to sign the NHATS Data Use Agreement (DUA) on behalf of the Investigator's Institution. The representative must have the authority to bind the institution contractually.

All Investigators, Co-investigators and Research Staff who will have access to the NHATS-CMS Linked Files must be on the NHATS DUA, must be registered NHATS users (see https://www.nhats.org/user/register), and must have a formal affiliation with the Requesting Investigator's institution.

**Collaborating Investigators at another Institution -** A collaborating investigator at another institution who wishes to access the NHATS-CMS Linked Files must submit a separate application (see Application Process). The individual will be designated the Investigator for their institution and must meet all investigator requirements. They may include additional coinvestigators and research staff from their institution on their application. All Investigators, Coinvestigators and Research Staff at collaborating institutions who will work with the NHATS-CMS linked data must be on the collaborating Investigator's DUA, must be registered NHATS users (see https://www.nhats.org/user/register), and must have a formal affiliation with the collaborating Investigator's institution.

For Investigators who are applying for funding to support use of the NHATS-CMS linked files, NHATS is willing to provide a written statement to accompany applications.

# V. Application Process

Obtaining the NHATS-CMS Linked Files requires approval and a DUA from NHATS, a National Institute on Aging (NIA) DUA, and review and approval by MedRIC. The steps in the process are described below for new applications and updates to existing projects.

Investigators with existing projects under a CMS data use agreement who would like to request new files need to file new applications and obtain new DUAs from NHATS and NIA.

## V.A. New Applications for an NHATS DUA

**Step 1**: To initiate a new application, complete and sign the required forms and documents (see Section VIII for forms). Forms should be downloaded, completed, signed, and submitted as PDFs to nhatsdata@westat.com. Please use the subject heading: *NHATS-CMS Linked Restricted Data Application*.

- Checklist for Application

- Investigator Form
- Project Title, Abstract, Research Plan
- Data Protection Plan
- Copy of IRB approval
- NHATS-CMS Linked Data Request Form
- External File Linkage Request Form (if needed)
- Signed copy of the NHATS Data Use Agreement
- Signed NHATS Supplemental Data Use Agreement with Research Staff (if applicable)

IRB/Human Subjects approval at the Investigator's institution should use standards for live human subjects. IRB approval must be at either the Full or Expedited level; access to these data **does not** qualify as exempt secondary analysis. A memo explaining the type of human subjects review that is being requested by NHATS and the reasons for it is provided for use as needed (see Section IX).

**Step 2**: NHATS will review the documents submitted. Any questions, or needed revisions, will be communicated to the Investigator.

**Step 3:** Once NHATS approves the application, the DUA will be countersigned by NHATS and Johns Hopkins University. The applicant will receive:

- A fully executed DUA
- A letter for submission to (MedRIC) (www.medric.info) that indicates NHATS approval of the application.

Investigators collaborating at different institutions must each complete a separate application with a common title, file request form, and research plan. A separate DUA and IRB approval (or proof that another institution serves as the IRB of record) is required for each institution. Only individuals at the applicant's own institution should be listed as co-investigators or research staff on a given application.

## V.B. Application Process to Obtain NIA DUA following NHATS DUA Approval

An NIA DUA is required to access the NHATS-CMS Linked Files in the HaAD enclave. To obtain an NIA DUA, please follow the steps outlined at https://www.medric.info/request/data-request-new.

## V.C. Adding New Files to an Existing Project After Approval

The steps below should be followed for requests to add new CMS files to an existing HaAD enclave project consistent with the Research Plan in the DUA.

**Step 1**: To add new CMS files to an existing NHATS DUA, complete and sign the required forms and documents (see Section VIII) listed below and submit these as PDFs to nhatsdata@westat.com. Please use the subject heading: *NHATS-CMS Linked Restricted Data Application Update*.

- Investigator Form
- NHATS-CMS Linked Data Request Form
- External File Linkage Request Form (if applicable)

**Step 2**: NHATS will review the documents submitted and any questions, or needed revisions, will be communicated to the Investigator. Once NHATS approves the application, the applicant will receive a letter for submission to MedRIC indicating NHATS approval of the application to update the existing DUA to add new CMS files. Follow the steps listed at

https://www.medric.info/request/data-request-add.

### V.D. DUA Extensions

DUAs expire once the investigator notifies NHATS that the project has ended or 3 years from the date entered on page 1 of the DUA, whichever occurs first. A 3-year extension may be requested by submitting a signed Restricted Data Use Agreement Extension Request to nhatsdata@westat.com.

## VI. External File Linkages

At this time, the only external files approved for linkage with NHATS-CMS linked data files are a file containing Hospital Referral Regions (HRR) linked to NHATS SPs and restricted tracker files that contain the date of the NHATS interview. These files will be made available to approved researchers in the HaAD enclave. For more information on how the HRRs were developed go to https://www.dartmouthatlas.org/data/.

Plans to link to the HRR or restricted tracker files should be specified in the applicant's research plan and indicated in the External File Linkage Request Form (Section VII).

Requests for other geographic-based contextual linkages will be reviewed on a case-by-case basis. Investigators should contact NHATS for instructions.

## VII. NHATS Data Use Agreement (DUA) Requirements

Data can *only* be used for the research and statistical purposes that are specified in the Research Plan and only for aggregate statistical reporting. The NHATS DUA specifies allowed and prohibited uses of NHATS Restricted Data.

A person in the Investigator role is approved to obtain the data for his/her own research project and is not permitted to "lend" access to a student or colleague for other research. Faculty may apply separately on behalf of a student for the student's research.

### VII.A. DUA Signatures

Signatures for the Data Use Agreement:

1) The Investigator and any Co-Investigators at the Investigator's institution who will have access to the NHATS-CMS Linked Files or will be supervising research staff who have access are required to sign the Restricted Data Use Agreement.
2) A representative of the Receiving Agency/Institution must sign the Data Use Agreement. The representative who signs the Agreement must have the authority to bind the institution contractually.

Signatures for Supplemental Agreement with Research Staff:

1) All Research Staff with access to the NHATS-CMS Linked Files must have a formal affiliation with the Receiving Agency/Institution. The affiliation and job title of each should be specified in the signature blocks of the Supplemental Agreement with Research Staff.
2) All Supplemental Agreement forms must be signed by the Investigator.
3) If new persons become affiliated with the research project, who will have access to the NHATS-CMS Linked Files

an additional Supplemental Agreement with Research Staff must be signed by the new person, submitted to NHATS and approved by NHATS, ***before*** the new person is given access.

## VII.B. Sanctions for Violation of the DUA

The NHATS Data Use Agreement specifies four possible sanctions against researchers who violate the terms of the agreement:

1) Denial of all future access to NHATS Restricted Data;
2) Report of the violation to the Receiving Institution's office responsible for scientific integrity and misconduct, with a request that sanctions be imposed under the institution's scientific integrity and misconduct policy;
3) Report of the violation to federal research funding agencies or other funding source, with a recommendation that all current research funds be terminated, and all future funds be denied, to the Investigator(s) and to all other persons implicated in the violation; and
4) Such other remedies as may be available to NHATS under the law.

If NHATS staff determine that there may have been a violation of the Agreement, NHATS will communicate the allegations in writing to the Investigator and offer the Investigator an opportunity to respond in writing. NHATS may also, at the time the allegations are communicated, remove access to all files within the HaAD enclave. If NHATS determines that the allegations of violations were incorrect, NHATS will return HaAD enclave access to the Investigator under the conditions of the original Agreement.

If NHATS determines that the allegations of violations of the Agreement were in any part correct, it will determine the appropriate sanction. If the sanction includes notification of federal funding agencies with a recommendation to terminate current and deny future federal research funding, NHATS will communicate its notification of violations and recommendations to the NHATS Program Officer at the National Institute on Aging, who will in turn convey it to appropriate officials at the NIH Office of Scientific Integrity, and other federal agencies.

## VII.C. Acceptable Uses of the Restricted Data

**Restricted data.** As specified in the NHATS DUA, restricted data – both original files and variables or fields derived from them - can be used *only* for scientific and public policy statistical research purposes that are specified in the Research Plan and only for statistical (summary) reporting that does not permit identification of an individual, family or facility either directly or indirectly.

**Repository use.** Only approved individuals may be given an account in the HaAD enclave, which houses the NHATS-CMS Linked Data Files. **Users may only access the enclave from approved locations and equipment specified in the Data Security plan form. Users must position the screen to prevent unauthorized user from viewing the NHATS restricted data and lock the computer when they step away. Users may not print, take screenshots, pictures, screen-share, transcribe or otherwise duplicate data or results of data analysis, even with members of their study team. Users may not share login information (account name, password, or token values) or permit viewing of their account including output.**

**Disclosure review**. Prior to removal, all output and programs will be reviewed for disclosure risk by the NHATS compliance officer. Tabulations with cells/strata $\leq 10$, including minimum and maxim values for individual cases, may not be removed from the NHATS restricted data repository. Additional cells may be suppressed if they may lead to uncovering cells/strata size $\leq 10$ through subtraction.

# VIII. Forms

# National Health and Aging Trends Study (NHATS): Application Checklist

**Submit this Checklist with Initial Application:**

☐ By checking this box, the applying Investigator confirms that all individuals on the DUA are registered NHATS users

**Forms and Documents for Initial Application:**

☐ Investigator form

☐ Project Form
- ☐ Project title and abstract
- ☐ Research Plan
- ☐ CV or Biosketch for Investigator and Co-Investigator(s)
- ☐ Copy of IRB approval

☐ NHATS-CMS Linked Data Request Form

☐ External File Linkage Request Form (if applicable)

☐ Signed copy of the NHATS Data Use Agreement

☐ Signed NHATS Data Supplemental Agreement with Research Staff (if applicable)

# National Health and Aging Trends Study (NHATS): Investigator Form

**Investigator:**

NAME

SIGNATURE

NHATS REGISTRATION EMAIL ADDRESS

DATE OF SIGNATURE

PHONE CONTACT

**Institution where Investigator holds appointment:**

NAME

STREET ADDRESS

CITY, STATE , ZIP

LINK to WEBSITE or URL of INSTITUTION

# National Health and Aging Trends Study (NHATS): Project Form

Project Title: _____

Abstract: 250-word limit

Applicants must provide a short (2-3 page) research plan that includes

1. A statement of the aims of the research
2. A description of the NHATS-CMS Linked Files and variables that will be used in analyses
3. A justification for requesting HRR files (if applicable)
4. A justification for requesting restricted tracker files (if applicable)

Each applicant must also submit:

1. For each investigator and co-investigator at your institution, include a curriculum vita or biosketch.
2. A copy of your project's IRB approval. At the end of this packet is a letter from Jennifer Schrack, PhD, PI of NHATS, should your IRB require explanation as to why we are requesting review.

# National Health and Aging Trends Study (NHATS):
# NHATS-CMS Linked Files Request Form (May 2022)

Restricted Investigator: _____

Title of Research Proposal: _____

☐ New Application

☐ Update (adding files) to existing NIA DUA

**1) Select Years Requested and file format**

Standard format: Omits geographic and provider identifiers (meets the needs of most researchers)

Provider format: Omits geographic identifiers but includes provider identifiers (justification required)

| Files | Years Available | Years Requested | File format (Standard or Provider) |
|---|---|---|---|
| Medicare Enrollment Data | | | |
| Master Beneficiary Summary File (MBSF): Base – Segment (A/B/C/D) | 2006 - 2021 | | |
| Medicare Summary Files | | | |
| Master Beneficiary Summary File (MBSF): Chronic Conditions | 2006-2020 | | |
| Master Beneficiary Summary File (MBSF): Cost & Utilization | 2006-2020 | | |
| Master Beneficiary Summary File (MBSF): Other Chronic or Potentially Disabling Conditions | 2006-2020 | | |
| Medicaid Enrollment Data | | | |
| Medicaid Analytic eXtract (MAX) Personal Summary (PS) Enrollment Data | 2006-2015 | | |
| TMSIS Analytic Files (TAF) Demographic and Eligibility (DE) Enrollment Data | 2014-2019 | | |
| Medicare Part A & B Claims Data | | | |
| Medicare Carrier (PB) Claims | 2006-2021 | | |
| Medicare Durable Medical Equipment (DM) Claims | 2006-2021 | | |
| Medicare Home Health (HH) Claims | 2006-2021 | | |
| Medicare Hospice (HS) Claims | 2006-2021 | | |
| Medicare Inpatient (IP) Claims | 2006-2021 | | |
| Medicare Outpatient (OP) Claims | 2006-2021 | | |
| Medicare Skilled Nursing Facility (SN) Claims | 2006-2021 | | |
| MedRIC-Built Medicare Provider Analysis & Review (MedPAR) | 2006-2020 | | |
| Part C Claims Data | | | |
| Medicare Carrier Encounter Claims | 2015-2019 | | |
| Medicare Durable Medical Equipment (DME) Encounter | 2015-2019 | | |
| Medicare Home Health Agency (HH) Encounter Claims | 2015-2019 | | |
| Medicare Inpatient (IP) Encounter Claims | 2015-2019 | | |
| Medicare Outpatient (OP) Encounter Claims | 2015-2019 | | |

| | | | |
|---|---|---|---|
| Medicare Skilled Nursing Facility (SNF) Encounter Claims | 2015-2019 | | |
| Medicaid Claims Data | | | |
| Medicaid Analytic eXtract (MAX) Inpatient (IP) Claims | 2006-2015 | | |
| Medicaid Analytic eXtract (MAX) Long Term Care (LT) Claims | 2006-2015 | | |
| Medicaid Analytic eXtract (MAX) Other Services (OT) Claims | 2006-2015 | | |
| Medicaid Analytic eXtract (MAX) Prescription Drug (RX) Data | 2006-2015 | | |
| TMSIS Analytic Files (TAF) Inpatient (IP) Claims | 2014-2019 | | |
| TMSIS Analytic Files (TAF) Long Term Care (LT) Claims | 2014-2019 | | |
| TMSIS Analytic Files (TAF) Other Services (OT) Claims | 2014-2019 | | |
| TMSIS Analytic Files (TAF) Pharmacy (RX) Data | 2014-2019 | | |
| Inpatient Rehab Facility-Patient Assessment Instrument (IRF-PAI) CMS Questionnaire/MedRIC Categories | 2006-2020 | | |
| Long Term Care Minimum Data Set (MDS) CMS Questionnaire/MedRIC Categories | 2006-2021 | | |
| Medicare Part D Prescription Drug Event (PDE) MedRIC Categories | 2006-2021 | | |
| Outcome and Assessment Information Set (OASIS) CMS Questionnaire/MedRIC Categories | 2006-2021 | | |

**2) Provide a brief justification if provider format is requested.** Note: This should be addressed in detail in your research plan for NHATS-CMS linked data.

# National Health and Aging Trends Study (NHATS): External File Request Form

☐ Check here if requesting HRR files and provide a short justification below. This should be addressed in detail in your research plan for NHATS-CMS linked data.

☐ Check here if requesting restricted tracker files and provide a short justification below. This should be addressed in detail in your research plan for NHATS-CMS linked data.

# National Health and Aging Trends Study (NHATS): Restricted Data Use Agreement

This agreement is entered into the _____day of _____, 20___ between the Johns Hopkins University on behalf of the National Health and Aging Trends Study (NHATS) and the _____ (Receiving Agency) wherein _____ (Investigator) is the researcher responsible for the projects using the NHATS restricted use files.

This agreement is in effect until the investigator notifies NHATS that the project has ended or until 3 years from the date entered on page 1, whichever occurs first. A 3-year extension may be requested.

Whereas, the Investigator and all other persons having access to NHATS Restricted data under this agreement are bound by the precepts of Receiving Agency's Code of Conduct for Employees and the Privacy Act of 1974 (5 USC 552a), which delineates the standards of conduct for individuals relating to the use of nonpublic information and the sanctions and criminal penalties for the misuse or disclosure of such data, and

Whereas,

1. The Investigator has a permanent, faculty-level appointment at the Receiving Agency, and the Co- Investigator(s), if any, have faculty-level appointments at the Receiving Agency.

2. All Research Staff signing Supplemental Agreement with Research Staff have a formal affiliation with the Receiving Agency and with the research project described in the Research Plan, and will have access to Restricted Data only under the supervision of the Investigator(s). The Supplemental Agreements with Research Staff are incorporated by reference into this Agreement.

3. The Receiving Agency has an Institutional Review Board/Human Subjects Review Committee registered with the Department of Health and Human Services (DHHS); and proof of the certification has been provided to NHATS.

4. A Restricted Data Protection Plan has been submitted by the investigator and approved by NHATS; the approved Restricted Data Protection Plan is incorporated by reference into this Agreement.

5. The Investigator's Research Plan and the Restricted Data Protection Plan approved by NHATS (and the portions of the Research Plan approved by NHATS that deal with respondent confidentiality and data security, if any) have been reviewed and approved by the Receiving Agency's DHHS-registered Institutional Review Board/Human Subjects Review Committee, using the standards and procedures for live human subjects, and a certification of that approval has been provided to NHATS. IRB approval must be at either the Full or Expedited level; access to these data does not qualify as exempt secondary analysis.

In consideration of NHATS providing access to an NHATS Restricted Dataset to the Investigator, the co- Investigator(s), the Supplemental Users, and the Receiving Agency agree that:

1. "Restricted Data" under this agreement includes both the original Restricted Data files provided by NHATS, and any variables or fields derived from them.

2. Restricted Data will be used solely for scientific and public policy statistical research, and not for any administrative or law enforcement purpose.

3. Restricted Data will be used to generate only statistical summary information that does not permit the identification of any individual person or family (or facility if applicable) either directly or inferentially.

4. Aggregate statistical summaries of the data and analyses (frequency tabulations, magnitude tabulations, means, variances, regression coefficients, and correlation coefficients) are not considered to be Restricted Data. Such information may be freely published by the Investigator and may be used for ongoing research programs approved under this agreement.
   When producing tabulations for distribution, the following guidelines are to be employed:
   - Magnitude Data: Ensure that no cells/strata with n $\leq$10 are produced.
   - Frequency Data: Apply a marginal threshold of n >10 and cell threshold of n >10 to all tabulations.
   - Protecting against complementary disclosure: Additional cells may be suppressed, i.e., complementary disclosure, to make sure the primary suppressions cannot be derived by subtraction from published marginal totals.

5. To cite NHATS as the data source in any publications or research based upon these data. The following citation should be included in any research reports, papers, or publications based on these data:
   *In text:* "National Health and Aging Trends Study (NHATS) is sponsored by the National Institute on Aging (grant number NIA U01AG32947) and conducted by the Johns Hopkins University."
   *In references*: "National Health and Aging Trends Study. Produced and distributed by www.nhats.org with funding from the National Institute on Aging (grant number NIA U01AG32947)."

6. Researchers are prohibited from publishing, or distributing in unpublished form, results that identify geographic areas below the level of Census Division. Researchers agree to remove from presentation or publication any results identified by NHATS reviewers that identify geographic areas below the level of Census division.

7. No attempt will be made to identify any individual person, family, or facility. If an individual person, family, or facility is inadvertently identified, or a technique for doing so is discovered, the Investigator, Co-Investigator, or Research Staff person who made the identification or discovery will promptly report the identification or discovery to NHATS (email: nhatsdata@westat.com; subject line: Director of NHATS).

8. No attempt will be made to link Restricted Data *with any other dataset*, except as specified in the Research Plan reviewed and approved by NHATS.

9. Use of Restricted Data provided by NHATS will be confined to the research described in the IRB-approved Research Plan submitted to and approved by NHATS; the approved Research Plan is incorporated by reference into this agreement.

10. Use of Restricted Data provided by NHATS will be in accordance with the Restricted Data Protection Plan submitted to and approved by NHATS.

11. Access to Restricted Data provided by NHATS will be limited **solely** to the Investigator(s) who are signatories to this agreement, and to research staff who are signatories of the Supplemental Agreement with Research Staff.

12. The NHATS Restricted Datasets are and remain the sole property of NHATS and Johns Hopkins University. The Investigator will not disclose them to any third party. The Receiving Agency agrees that in response to any request for Restricted Data under the federal Freedom of Information Act, 5 U.S.C. 552, it will refuse to disclose the Restricted Data on grounds that it is not a Receiving Agency of record subject to disclosure under that Act or is alternatively exempt from disclosure under that Act. Receiving Agency will immediately notify NHATS and Johns Hopkins University of any such requests.

13. The Investigator(s) will provide:
    a. Project title, Investigator(s), and current contact information
    b. Detail of changes or modifications in the research and/or data protection plans
    c. To provide citations for any publications (and PMCIDs) from these data to NHATS (nhatsdata@westat.com; subject line: NHATS citations) upon request.
    d. Proof of current IRB approval for projects using restricted data. Note that only Full or Expedited IRB reviews are acceptable. Projects using restricted data do not qualify for IRB Exemption as secondary data analysis.
    e. Updated list of authorized users under this agreement. A new Supplemental Agreement with Research Staff must be completed and signed for each new user. List should include access termination dates for those no longer requiring access to the restricted data.
    f. A description of the location(s) of the restricted data users – including street address, building number and office number(s).

14. The Receiving Agency represents that it has policies and procedures on scientific integrity and misconduct in place. The Receiving Agency recognizes that certain violations of this agreement might constitute actions covered by such policies and procedures. If the NHATS notifies the Receiving Organization's office responsible for scientific misconduct that a violation of this agreement has occurred and alleges that the violation constitutes scientific misconduct, the Receiving Organization will handle the allegation according to its policies and procedures applicable to scientific integrity and misconduct.

15. The Receiving Agency agrees to allow NHATS to conduct unannounced and unscheduled inspections of the restricted data site(s) to assess compliance with the terms of this Agreement.

16. The Representative of the Receiving Agency is a person authorized to enter into contractual agreements on behalf of the Receiving Agency.

17. If NHATS determines that this Agreement has been violated, NHATS may:
    a. prohibit any of the signatories of this Agreement, and of any Supplemental Agreements with Research Staff, from obtaining access to any NHATS Restricted Data.
    b. report the violation(s) to the Receiving Agency's office responsible for Code of Conduct on the safeguard of confidential information, and request that sanctions be imposed on the person(s) responsible for the violations.
    c. report (directly or through the National Institute on Aging) the violation(s) to funding agencies with a recommendation that current funding be terminated, and future funding denied, to the Investigator(s), the Research Staff, and any other person implicated in the violation(s).
    d. utilize such other remedies as may be available to it under law.

18. To the extent permitted by law, to hold harmless and indemnify NHATS and the Johns Hopkins University, its agents and employees, for any claims of breaches of confidentiality arising out of his/her research, defined as failure to abide by any section of this agreement or any accidental or intentional violation of privacy of any contributor to any NHATS data resource.

# National Health and Aging Trends Study (NHATS): Restricted Data Use Agreement

| **Investigator** | **Co-Investigator** |
| --- | --- |
| Signature/Date | Signature/Date |
| Typed Name | Typed Name |
| Title | Title |
| Institution | Institution |
| Building Address | Building Address |
| Street Address | Street Address |
| City, State, Zip | City, State, Zip |
| Phone | Phone |
| Fax | Fax |
| Email | Email |
| NHATS User Name | NHATS User Name |

NOTE: NHATS user names may be obtained by registering at https://www.nhats.org/user/register. For additional coinvestigators, reproduce this page. The requesting investigator should sign with each co-investigator.

# National Health and Aging Trends Study (NHATS): Restricted Data Use Agreement

RECEIVING AGENCY REPRESENTATIVE

Signature/Date

Typed Name

Title

Institution

Building Address

Street Address

Street Address

City, State, Zip

Phone

Fax

Email

NHATS REPRESENTATIVE

Signature Date

Jennifer Schrack, PhD, Principal Investigator
National Health and Aging Trends Study
Johns Hopkins Bloomberg School of Public Health
615 N. Wolfe Street E7144
Baltimore, MD 21205
Phone: 410-502-9328
Email: jschrac1@jhu.edu

JOHNS HOPKINS UNIVERSITY REPRESENTATIVE

Signature Date

# National Health and Aging Trends Study (NHATS): Restricted Data Supplemental Agreement with Research Staff

The undersigned Research Staff, in consideration of their use of Restricted Data from the National Health and Aging Trends Study, agree:

A. That they have read the associated National Health and Aging Trends Study (NHATS) Restricted Data Use Agreement.

B. That they are "Research Staff" within the meaning of the NHATS Restricted Data Use Agreement.

C. To comply fully with the terms of the Agreement.

The Investigator named in the NHATS Restricted Data Agreement agrees that the persons designated herein are Research Staff within the meaning of the associated NHATS Restricted Data Use Agreement.

Investigator agrees to ensure that each Research Staff person signs this Supplemental Agreement.

***Research Staff***

| NAME TYPED OR PRINTED | SIGNATURE | DATE |
|---|---|---|
| JOB TITLE & INSTITUTION | | NHATS User Name |
| NAME TYPED OR PRINTED | SIGNATURE | DATE |
| JOB TITLE & INSTITUTION | | NHATS User Name |
| NAME TYPED OR PRINTED | SIGNATURE | DATE |
| JOB TITLE & INSTITUTION | | NHATS User Name |

***Restricted Data Investigator***

| NAME TYPED OR PRINTED | SIGNATURE | DATE |
|---|---|---|

# National Health and Aging Trends Study (NHATS): Restricted Data Use Agreement Extension Request

We request a 3-year extension of the agreement entered into the _____day of _____, 20___ between the Johns Hopkins University on behalf of the National Health and Aging Trends Study (NHATS) and the _____ (Receiving Agency) wherein _____ (Investigator) is the researcher responsible for the projects using the NHATS restricted use files.

| **Investigator** | **Co-Investigator** |
|---|---|
| Signature/Date | Signature/Date |
| Typed Name | Typed Name |
| Title | Title |
| Institution | Institution |
| Building Address | Building Address |
| Street Address | Street Address |
| City, State, Zip | City, State, Zip |
| Phone | Phone |
| Fax | Fax |
| Email | Email |
| NHATS User Name | NHATS User Name |

NOTE: NHATS User names may be obtained by registering at https://www.nhats.org/user/register. For additional coinvestigators, reproduce this page. The requesting investigator should sign with each co-investigator.

# National Health and Aging Trends Study (NHATS): Restricted Data Use Agreement Extension Request

RECEIVING AGENCY REPRESENTATIVE

Signature/Date

Typed Name

Title

Institution

Building Address

Street Address

Street Address

City, State, Zip

Phone

Fax

Email

NHATS REPRESENTATIVE

Signature Date

Jennifer Schrack, PhD, Principal Investigator
National Health and Aging Trends Study
Johns Hopkins University School of Public Health
615 N. Wolfe Street E7144
Baltimore, MD 21205
Phone: 410-502-9328
Email: jschrac1@jhu.edu

JOHNS HOPKINS UNIVERSITY REPRESENTATIVE

Signature Date

# National Health and Aging Trends Study (NHATS): Data Protection Plan

**Complete ONE Form for EACH User and EACH User Location**

**Work Location: From** where will you log in? CHOOSE ONE: ☐ Home ☐ Office*

Address (*Office address should include office #, building name, street address, city, state, and zip)

_____

**Workstation Specifications:**

Make/model: _____

☐ Desktop ☐ Laptop

Operating System (Please note version #):

☐ Windows Version: _____

☐ Mac Version: _____

**Workstation Login Access:** Who can log into your workstation?

Yourself: ☐ Other(specify):_____

What information is required at login on your computer?

User name: ☐ Yes ☐ No Password: ☐ Yes ☐ No

**Workstation Monitor Position:** Describe how your workstation is positioned to prevent unauthorized viewing (check windows and doors):

**Workstation Antivirus:** Describe **brand and version** of antivirus software installed on workstation:

☐ Windows Defender ☐ Symantec ☐ McAfee

☐ Sophos ☐ Norton Version:_____

Other(specify brand/version:_____

| Investigator Name | | |
|---|---|---|
| User Name | NHATS User Name | User Institution |
| User Signature | Date | User Email |

Provide signature of an IT Representative familiar with the workstation described.

***Required unless it is a personally owned machine used in a home office**

| IT Department Contact Name | IT Contact Title | IT Contact Telephone |
|---|---|---|
| IT Contact Signature | Date | IT Contact Email |

# IX. Memo to IRB/Human Subjects Review Committees

# National Health and Aging Trends Study (NHATS): Memo for IRBs or HSRCs Regarding NHATS Review

**Memorandum for IRBs or HSRCs Regarding NHATS Review**

**MEMORANDUM**

**TO:** Institutional Review Boards/Human Subjects Review Committees

**FROM:** Jennifer Schrack, PhD, Principal Investigator, National Health and Aging Trends Study (NHATS)

**RE:** Review of Proposals for Analysis of NHATS Restricted Data

The National Health and Aging Trends Study (NHATS) is an ongoing longitudinal study of Americans ages 65 and older, sponsored by the National Institute on Aging (U01 AG032947). The National Study of Caregiving periodically interviews caregivers of NHATS participants.

NHATS makes available to researchers both public use datasets, available to all researchers, and restricted datasets, available only under agreement to researchers who meet rigorous conditions. Public use datasets contain no identifying information and pose minimal risk of respondent identification. These files are distributed via download from the NHATS website (www.nhats.org); conditions of use require agreement by the user not to attempt to identify study participants. Restricted datasets contain information that NHATS believes increases the potential risk of identification of study participants.

Because of the potential risk of identification of participants, we request that you review portions of proposals to use restricted data from NHATS, and to do so using the same standards you would use for studies of live human subjects. Although researchers using NHATS restricted datasets are conducting "secondary data analysis", the increased potential risk for identification of NHATS study participants (who are, for NHATS, live human subjects) makes inappropriate the usual "exemption" applied to "secondary analysis" of anonymized datasets. We have attempted to minimize these risks by offering data through the MedRIC Health and Aging Data (HaAD) Enclave—a secure virtual desktop for accessing CMS and NIA study or survey data. Nevertheless, the researcher is still responsible for adhering to a data security plan in order to ensure respondent confidentiality and privacy.

We are not asking that you review the entire National Health and Aging Trends Study. That review has been conducted by the relevant committees at the Johns Hopkins University and the National Institute on Aging, the primary sponsor of NHATS.

If you have any questions about the nature and scope of what we are asking, please contact:

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