

LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS – MEDICAID PROGRAM
Dental Benefit Program Manager (DBPM) RFP

**Data Use Agreement Between Louisiana Department of Health and Hospitals
And Bayou Health Dental Benefit Program Proposer**

This Data Use Agreement for a Limited Data Set is entered into by and between the following parties and shall become effective immediately upon being signed by both parties:

Louisiana Department of Health and Hospitals (DHH), Bureau of Health Services Financing (BHSF), hereinafter referred to as “DHH” or “Data Owner”,
and _____,
hereinafter referred to as “Data User.”

Purpose of Agreement:

DHH, through its Bureau of Health Services Financing (BHSF), administers the Louisiana Medicaid program. BHSF, as the Data Owner, has issued a Request for Proposal (RFP) for the operation of its Bayou Health Dental Benefit Program Manager (DBPM). The Data User will analyze all Medicaid claims data solely at its own expense and at no cost to DHH. DHH will provide the Data User with the specific Limited Data Set information described below.

Obligations of Data Owner:

DHH, as the Data Owner, agrees to provide the following described information to the Data User, via instructions explained in Section IV -J.3. of the RFP . The Limited Data Set below, as defined in the HIPAA Privacy Rule, to the Data User constitutes:

Twenty-four (24) months of claims and eligibility data to include July 1, 2011 – June 30, 2013 with the inclusion of select denied claims for service limitations and the exclusion of pending claims. Protected Health Information (PHI) will be excluded. The following files will be included:

- a. Dental claims (claims_dental_fy12.sas7dat and claims_dental_fy13.sas7dat)
- b. Eligibility data (elig_dental_fy12.sas7bdat and elig_dental_fy13.sas7bdat)
- c. Control totals, data layout, and crosswalks (LA Contents_DHH_Dental_11 30 13.xls)
- d. Provider Enrollment from the FFS MMIS system (Provider_FY12_DBP.sas7bdat and Provider_FY13_DBP.sas7bdat)
- e. Historical Dental Prior Authorizations data from the FFS MMIS system (PA_FY12_DBP.sas7bdat and PA_FY13_DBP.sas7bdat)

BHSF’s point of contact regarding this data set will be Mary Fuentes, RFP Coordinator (Mary.Fuentes@la.gov). All data will be used for business nature only.

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Obligations of Data User:

The Data User shall limit access to Limited Data Set information strictly to those individuals or classes of individuals who shall have access in order to perform their duties in connection with the below described purposes related to the Bayou Health DBP RFP, which is part of the health care operations of Louisiana Medicaid.

- a. *Uses and Disclosures as Requested in this Agreement.* With sole regard to this RFP the Data User shall use and disclose the Limited Data Set information provided by the Data Owner only for the following purposes directly related to development of proposals for this RFP:

Analysis for preparation of the Health Plan proposal

- b. *Nondisclosure except as Provided in this Agreement.* The Data User shall not use or further disclose the Limited Data Set information except as specified in this Agreement.
- c. *Follow-Back.* The Data User shall not contact the subjects of the information, the subjects' next-of-kin, the subjects' physicians or other providers, or any other relative or interested party.
- d. *Safeguards.* The Data User agrees to take appropriate administrative, technical and physical safeguards to protect the Limited Data Set information from any unauthorized use or disclosure not provided for in this Agreement. The Data Owner shall ensure that no identifying information is transmitted through unsecured telecommunications, including unsecured Internet connections.
- e. *Reporting.* Within 48 hours of the Data User's discovery, the Data User shall report to the Data Owner any use or disclosure of the Limited Data Set information that violates either this Agreement or applicable state or federal laws or regulations.
- f. *Public Release.* No Limited Data Set information or analysis of information shall be publicly released.
- g. *Breach of Agreement by Data User.* In the event that the Data User breaches this Agreement, the Data Owner, at its sole discretion, may: (1) terminate this Agreement upon written notice to the Data User, or (2) request that the Data User, to the satisfaction of the Data Owner, take appropriate steps to cure such breach. If the Data User fails to cure such breach to the Data Owner's satisfaction or in the time prescribed by the Data Owner, the Data Owner may terminate this Agreement and/or disqualify the Data User as a Bayou Health Contractor upon written notice to the Data User.

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- h. *Termination of Agreement and Destruction of Records.* This Agreement shall terminate upon any of the following events, whichever occurs first: (1) termination by the Data Owner as provided in paragraph (g); (2) termination by either party for any reason upon giving five (5) days' written notice to the other party; (3) the completion of Data User's analysis and use of the Data as provided under the terms of Data User's Contract with DHH.
- i. *Minimum Necessary.* The Data User attests that the Limited Data Set information requested represents the minimum information necessary for the Data User to perform the tasks called for in this Agreement, and that only the minimum necessary individuals shall have access to the information in order to perform such tasks.
- j. *Data Ownership.* DHH is the Data Owner. The Data User does not obtain any right, title or interest in any of the data furnished by DHH.

By signing this Agreement, the authorized representatives of DHH and the Data User agree to all of its provisions.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the date(s) written below.

Louisiana Department of Health and Hospitals (DHH), Bureau of Health Services Financing (BHSF)

By: _____ Date _____
Ruth Kennedy, Medicaid Director, DHH/BHSF
(225) 342-3891
Ruth.Kennedy@LA.GOV

Printed Name of Data User (Proposer) Company

By: _____ Date _____
Signature of Data User (Proposer) Representative

Printed Name of Data User (Proposer) Representative