

## **CMS Disclaimer–User Agreement**

### **Medicare Current Beneficiary Survey Public Use Files**

The Centers for Medicare & Medicaid Services (CMS) is pleased to make the Medicare Current Beneficiary Survey (MCBS) Public Use File (PUF) available to the public as a free download. This PUF is intended to support studies requiring the use and analysis of Medicare data.

This disclaimer–user agreement details the sources and nature of the data, including potential limitations, and specifies the responsibility of the data user in regard to the processing and understanding of the data files. In addition to this disclaimer–user agreement, users should also read the documentation files for this PUF.

**Data accuracy:** The MCBS PUF public data is derived from data collected during the conduct of the Medicare Current Beneficiary Survey and administrative data that is used by the agency for operational purposes. CMS does not guarantee 100% accuracy of all records and all fields. CMS publishes data limitations for their statistical data sources on the internet. Users must familiarize themselves with the data limitations documents and accept the quality of the data they receive. Please read the General File Documentation, as well as the Codebook, before conducting any analyses with the data.

**Data integrity:** It is the responsibility of each user to identify the information needed to satisfy the user's needs. Any alteration of the original data, including conversion to other media or other data formats, is the responsibility of the user. Data that have been manipulated or reprocessed by the user is the responsibility of the user. The user may not present or otherwise reference data that have been altered in any way as CMS data. 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. The MCBS PUF data are made available as downloadable SAS XPT files. The supporting files contain specific information concerning file layout, as well as SAS codes for creating a SAS dataset from the XPT files. The Codebook file for the PUF lists variables and their definitions, as well as provides frequency distributions.

**Privacy protection:** CMS is obligated by the federal Privacy Act, 5 U.S.C. Section. 552a and the HIPAA Privacy Rule, 45 C.F.R Parts 160 and 164, to protect the privacy of individual beneficiaries and other persons. All direct identifiers have been removed from the micro-data contained in these data files; therefore the public data files do not permit direct identification of any individuals. Nevertheless, under the Privacy Act of 1974 and the Standards for Privacy of Individually Identifiable Health Information Privacy Rule of 2000, data collected by the Center for Medicare and Medicaid Services (CMS) may not be used for any purpose other than for the purpose for which they were supplied; any effort to determine the identity of any reported cases is prohibited by law.

Therefore in accordance with the above referenced Federal Statutes, it is understood that:

1. No one is to use the data in this data set in any way except for statistical reporting and analysis; and
2. If the identity of any person or establishment should be discovered inadvertently, then (a) no use will be made of this knowledge, (b) the Director Office of Enterprise Data and Analytics will be advised of this incident, (c) the information that would identify any individual or establishment will be safeguarded or destroyed, as requested by MCBS, and (d) no one else will be informed of the discovered identity; and
3. No one will attempt to link this data set with individually identifiable records from any data sets including administrative records.

By using these data you signify your agreement to comply with the above stated statutorily based requirements with the knowledge that deliberately making a false statement in any matter within the jurisdiction of any department or agency of the Federal Government violates Title 18 part 1 Chapter 47 Section 1001 and is punishable by a fine of up to \$10,000 or up to 5 years in prison. Additionally, a person who knowingly obtains or discloses individually identifiable health information in violation of the Privacy Rule may face a criminal penalty of up to \$50,000 and up to one-year imprisonment. The criminal penalties increase to \$100,000 and up to five years imprisonment if the wrongful conduct involves false pretenses, and to \$250,000 and up to 10 years imprisonment if the wrongful conduct involves the intent to sell, transfer, or use identifiable health information for commercial advantage, personal gain or malicious harm.

The Center for Medicare and Medicaid Services requests that users cite CMS and the Medicare Current Beneficiary Survey as the data source in any publications or research based upon these data:

SOURCE: 2021 Medicare Current Beneficiary Survey COVID-19 Winter Supplement Public Use File [Data files and code books]. Retrieved from <https://www.cms.gov/Research-Statistics-Data-and-Systems/Downloadable-Public-Use-Files/MCBS-Public-Use-File/index.html>

**Additional terms and conditions:** User acknowledges that CMS reserves the right to amend or modify this disclaimer-user agreement, and that future use of the MCBS PUF may be subject to revised or additional terms and conditions.