

## VAMHCS RESEARCH SERVICE HOT TOPIC

Vol. 3 No. 4  
August 17, 2009

### Change in Destruction of Data Language on HIPAA Authorizations

In the last few years, there has been conflicting information about what language should be entered into the “destruction of data” paragraph on the IRB’s HIPAA template (the “**THIS AUTHORIZATION WILL NOT EXPIRE...**” paragraph of the template) for VAMHCS studies.

A number of past Hot Topics have told you to 1) put in a definite time frame for destruction of data or 2) use language recommended by the VAMHCS Privacy officer (language stating that records would be destroyed according to RCS 10-1).

### **DISREGARD THAT PAST INFORMATION!!!**

The language to be used now **IN HIPAA AUTHORIZATIONS** is:  
**“Your data will be kept indefinitely”**

- From now on, please use the above statement in the “**THIS AUTHORIZATION WILL NOT EXPIRE...**” paragraph of the HIPAA authorization template.
- Please amend any currently active HIPAA authorizations to replace the language with the statement above. The HRPO will do its best to expedite these amendments.
- IF YOUR CURRENT HIPAA AUTHORIZATIONS HAVE SIMILARLY OPEN-ENDED STATEMENTS (such as: “never”, or “your records will not be destroyed”, etc.) then you DO NOT need to amend your HIPAA authorization.
- Please have currently active participants sign the amended HIPAA authorization when you see them at routine visits.
- You do not need to recontact and “re-HIPAA” any past participants UNLESS the IRB requires you to do so.

- You do not need to hold off on any study procedures or enrollments while you are waiting for the amendments to be approved.
- Be sure to send the amendments to the VAMHCS R&D Committee after you have received IRB approval (Barbara Calabrese, x4528, [Barbara.calabrese@va.gov](mailto:Barbara.calabrese@va.gov)).
- If the above language creates some problem for you with respect to a specific protocol (for example, the protocol requires destruction at a specific time), please contact the VAMHCS Privacy Officer, Janice Crosby at 410-605-7328, [Janice.crosby@va.gov](mailto:Janice.crosby@va.gov)
- The above bullet points **refer to HIPAA authorizations only!!!** FOR CICERO PROTOCOL SUBMISSIONS, CONTINUE TO USE THE SPECIFIC VA LANGUAGE RECOMMENDED BY THE VAMHCS PRIVACY OFFICER IN HOT TOPIC V2No7 (9/08). Failure to do so will delay your approval by the VA ISO and PO. This language is:

“The data will be destroyed once the maximum retention period is reached, as defined by the Department of Veteran Affairs Records Control Schedule 10-1. Data will be destroyed using the most current electronic data destruction methodologies which are available at the time of data destruction. All destruction techniques will be in compliance with approved national disposal policies and procedures.”

We apologize for the confusion. As described in the Research Service Bulletin (June 2009) (corrected version attached), this is the result of a recently discovered omission in the VHA “Records Control Schedule” (RCS 10-1), followed by discussions with the HRPO on acceptable language to be used in HIPAA authorizations.

We have amended Hot Topic V2 No7 and will post the corrected version in the Hot Topics webpage shortly. ([http://www.maryland.research.va.gov/hot\\_topics.asp](http://www.maryland.research.va.gov/hot_topics.asp)) We have attached the corrected version of the June 2009 bulletin and will also post it on the Hot Topics webpage.

For questions concerning this or other Research Service Hot Topics  
OR for adding staff or colleagues to the Hot Topics mailing list,  
contact:

Jessica Mendoza,  
Acting Research Compliance Officer  
Room 3A-125  
410-605-7000 x6512  
[jessica.mendoza@va.gov](mailto:jessica.mendoza@va.gov)

Can't put your finger on a past Hot Topic you know would solve your  
problem? No problem. Check the Hot Topics archive on the  
Research Service website:

[http://www.maryland.research.va.gov/hot\\_topics.asp](http://www.maryland.research.va.gov/hot_topics.asp)

For comments, complaints or suggestions regarding the Research  
Service or Office of Research Compliance, contact:

Jessica Mendoza,  
Acting Research Compliance Officer  
Room 3A-125  
410-605-7000 x6512  
[jessica.mendoza@va.gov](mailto:jessica.mendoza@va.gov)