

NEWS

Association for Healthcare Philanthropy

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Philanthropic Health Care Violations of HHS' HIPAA Law Again Near Zero, Federal Government Tells Association for Healthcare Philanthropy

WASHINGTON, D.C., (April 14, 2008) – On the fifth anniversary since the Health Insurance Portability and Accountability Act (HIPAA) patient privacy rules went into effect, the Federal government has again conceded there are practically no examples of violations “in the context of fundraising efforts,” the Association for Healthcare Philanthropy (AHP) revealed today.

The Office for Civil Rights of the U.S. Department of Health and Human Services said in a recent email to AHP that practically none of the complaints it has received alleging violations of HIPAA privacy rules involve fundraising. Through February 2008, the Civil Rights Office has received a total of 33,916 complaints since the rule’s April 14, 2003 effective date.

“While OCR’s complaint system does not specifically track complaints dealing with philanthropic activities, anecdotal information from OCR’s regional investigative offices suggest that a very small number of complaints involve allegations that protected health information has been misused in the context of fundraising efforts by covered entities,” a senior HHS official told AHP. A similar conclusion was drawn by HHS in 2007.

William McGinly, president and CEO of AHP, said that the government’s admission is once again proof that despite HIPAA-imposed paperwork burdens and limitations on access to grateful patient records, “philanthropic health care organizations have fostered voluntary compliance of the highest order and have fully cooperated with the Federal government on HIPAA.”

The Bush administration moved to institute stringent, across-the-board HIPAA patient privacy regulations in 2003, despite the fact that President Clinton had let stand the access of AHP members to grateful patient information. The information had been used to ask grateful patients and their families for donations which funded a wide range of programs, including pre-natal screening, free dental care, community clinics, hospice programs, drug recovery programs, cancer screening initiatives and mobile mammography vans.

During deliberations over HIPAA privacy issues, AHP conducted a focused lobbying campaign and membership letter writing effort at HHS and on Capitol Hill, opposing changes to the law that would adversely affect AHP members. In testimony on HIPAA, McGinly said AHP member organizations “work on razor thin budgets” and that denial of access to grateful patient demographic information “would block the lifeblood of philanthropic gift giving.”

Since the more stringent HIPAA privacy rules went into effect five years ago, AHP has provided tools and training to its members to assist their efforts to comply while maintaining philanthropic giving levels that are vital to the nonprofit health care community. The association's Web site, www.ahp.org, provides members with more than 100 pages of information dealing with HIPAA compliance, and HIPAA training is an important component of AHP's professional education curricula.

AHP has also launched its Performance Benchmarking Service. This integrated database of business practices and performance metrics helps participating hospitals and health care systems improve philanthropic fundraising and fosters greater transparency, a key factor contributing to HIPAA compliance.

The Association for Healthcare Philanthropy, established in 1967, is a not-for-profit organization whose 4,600+ members manage philanthropic programs in 2,200 of North America's not-for-profit health care providers. AHP's audience includes fundraising professionals, development staff, public relations professionals, trustees, marketing professionals, administrators, and executives interested in health care fundraising.

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