

NEWS

Association for Healthcare Philanthropy

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Philanthropic Health Care Violations of HIPAA Near Zero, Federal Government Tells Association For Healthcare Philanthropy

WASHINGTON, D.C., (June 25, 2007) – Four years after the Health Insurance Portability and Accountability Act (HIPAA) patient privacy rules went into effect, the Federal government has conceded there are practically no examples of violations “in the context of fundraising efforts,” the Association for Healthcare Philanthropy (AHP) revealed today.

HHS said in a recent letter to AHP President and CEO William McGinly that since the privacy rule’s April 14, 2003 effective date, a total of 27,070 complaints that allege violations of the HIPAA rule have been received by the agency’s Office for Civil Rights (OCR), however, practically none involve fundraising.

“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,” an HHS official told AHP.

McGinly said that the government’s admission is proof that despite HIPAA-imposed paperwork burdens and limitations on access to grateful patient demographic 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 that was protected by state and federal laws governing its use as well as by AHP’s Statement of Professional Standards and Conduct and its companion Donor Bill of Rights. 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.

AHP had conducted a focused lobbying campaign and membership letter writing effort at HHS and on Capitol Hill. 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.”

The Association for Healthcare Philanthropy, established in 1967, is a not-for-profit organization whose 4,500+ 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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