

May 30, 2007

Mr. William C. McGinly, Ph.D., CAE  
President and Chief Executive Officer  
Association for Healthcare Philanthropy  
313 Park Avenue, Suite 400  
Falls Church, VA 22046

Dear Dr. McGinly:

Thank you for your letter of March 28, 2007 supporting the privacy protection provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). To assist members of the Association of Healthcare Philanthropy (AHP) in understanding the extent to which HIPAA Privacy Rule complaints are related to fundraising activities by nonprofit health care providers, your letter requested the following information from the Office of Civil Rights (OCR):

Number of total complaints received by OCR from April 2003 to the present;  
Number of complaints pursued by OCR in the same time frame;  
Number of complaints OCR took informal action on; and  
Number of complaints dealing with philanthropic health care organizations.

Since the Privacy Rule compliance date of April 14, 2003, and through April 30, 2007, OCR has received 27,070 complaints and has resolved 21,070 of them. Approximately 6,000 complaints are currently open, some of which are in the preliminary review stage and some of which are under investigation.

Of the 21,070 complaints that have been resolved, OCR investigated and required changes in privacy practices and other corrective actions by the involved covered entities in 4,577 cases and determined there was no violation by the covered entities in 2,203 cases. In the rest of the resolved cases (approximately 14,290), OCR determined that the complaint did not present an eligible case for enforcement of the Privacy Rule due to a lack of jurisdiction, untimely filing, or allegations that did not present possible violations of the Privacy Rule.

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.

Information about our compliance and enforcement activities, including monthly updates of the numbers of complaints and the number of resolutions, can be found on OCR's website at <http://www.hhs.gov/ocr/privacy/enforcement/>. The website also contains other useful compliance information such as case examples and answers to frequently asked questions.

Thank you for AHP's continuing interest in fostering voluntary compliance with the HIPAA Privacy Rule and your organization's cooperation with OCR.

Sincerely,

Susan McAndrew, J.D.  
Deputy Director for Health Information Privacy