



This article presents general guidelines for Georgia nonprofit organizations as of the date written and should not be construed as legal advice. Always consult an attorney to address your particular situation.

HIPAA Basics for Nonprofits

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The following article is intended to provide a general and brief overview of HIPAA. This article does not address all HIPAA requirements and does not account for all of the different types of entities to which HIPAA applies. Rather, it focuses on HIPAA as it applies to charitable nonprofit organizations that provide care or services to underserved individuals.

It is important to note that HIPAA is an extensive and complex law and therefore, this short article should not be used as a compliance tool for your organization. However, this article may be useful as an educational tool to give you a better sense of what types charitable nonprofits could be subject to HIPAA and whether your organization may be required to comply with HIPAA. If, after reading this article, you are unsure of whether your organization is subject to HIPAA, you should consult a lawyer with HIPAA experience.

What is HIPAA?

- HIPAA is the federal Health Insurance Portability and Accountability Act of 1996 and the implementing regulations issued by the U.S. Department of Health and Human Services.
- HIPAA was enacted to protect the privacy and security of an individual's personally identifiable health information.

Who must comply with HIPAA?

- Relevant to nonprofit organizations with charitable purposes, health care providers that transmit individually identifiable health information in connection with certain transactions are required to comply with HIPAA. HIPAA calls these providers "Covered Entities."
- For purposes of HIPAA, a health care provider generally includes any person or entity that furnishes health care services such as a physician, hospital, hospice program, health clinic, or urgent care facility.

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- HIPAA identifies the types of transactions that are covered by the law. Examples of such transactions that may be applicable to nonprofit organizations include, but are not limited to, the following:
 - health care claims (requests by a provider to obtain payment and necessary accompanying information from a health care provider to a health plan/insurance company);
 - benefit eligibility inquiries (inquiry from a provider to a health plan as to whether a patient is covered for certain medical procedures); and
 - referral certification and authorization (e.g. a request to obtain authorization for referring an individual to another health care provider).

What are some examples of organizations that may be subject to HIPAA?

- A health care provider that contracts with a billing service that submits claim information electronically, on the provider's behalf, is subject to HIPAA.
- A health care provider that transmits individually identifiable information electronically to Medicare, Medicaid or an insurance company to receive reimbursement for medical care provided to patients is subject to HIPAA.
- A health clinic that provides free services to patients and does not seek reimbursement for medical services from Medicare, Medicaid or an insurance company is not subject to HIPAA.
- A camp that collects health information via its website or emails from campers and their parents, such as annual physicals, is not subject to HIPAA.

My organization is not a health care provider that transmits electronic health information. Are there any other HIPAA requirements that might apply?

- A person or entity that provides services to a Covered Entity and needs individually identifiable health information to provide those services is generally deemed a "Business Associate."
- Business Associates are required to comply with most provisions of HIPAA.
- Business Associates may include medical billing companies, consultants, lawyers, software providers, researchers, or accrediting agencies, but only to the extent that they need individually identifiable health information from a Covered Entity to provide services.

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What are some examples of a Business Associate that would be subject to HIPAA?

- An organization that gathers health information from individuals and has physicians review that information to provide free advice to those individuals is not a Covered Entity or Business Associate and therefore, is not subject to HIPAA.
- An information technology company that helps to support a Covered Entity's network and accesses individually identifiable health information is a Business Associate.

My organization may be subject to HIPAA. What do I have to do to comply with the law?

- HIPAA requires that organizations that are subject to the law develop policies and procedures that reflect the HIPAA rules governing use and disclosure of information.
- The measures an organization subject to HIPAA must take to comply with the law are quite complicated and an attorney with HIPAA experience should be consulted.

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