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MEMORANDUM

TO: Pastors, Business Managers, and Parish Secretaries

FROM: Lisa M. Kutas

DATE: September 9, 2015

RE: Prayer lists and privacy rules

I recently received inquiries about whether parish prayer lists made public would violate HIPAA rules. I'll begin by defining HIPAA, which is an acronym for the Health Insurance Portability and Accountability Act, a federal law passed in 1996. The first HIPAA rules dealt with the portability of health insurance for individuals who changed health plans, typically, after a change in employment. This memo focuses on another set of HIPAA rules – those dealing with protecting the privacy of individuals' health related information. The final version of the HIPAA Privacy Rule was issued by the Department of Health and Human Services in 2003.

To be clear, the Church is exempt from the HIPAA Privacy Rule, which only applies to health care providers or health insurance providers. That being said, violating someone's privacy can lead to hurt feelings and even litigation. It is wise to establish the following prayer list best practices to protect the privacy of our parishioners:

1. While consent from the individual is not legally required, please make sure to always gain verbal consent for inclusion in a publicized prayer list – whether the name is to be verbally mentioned during Mass or published in writing. You may gain this consent by simply asking if it is okay to add the individual's name to the prayer list.
2. Keep the prayer request general, especially regarding personal health.
3. Never publicize detailed health information regarding prayer requests for parishioners or employees.
4. Anyone who works for a health care provider IS subject to HIPAA rules and cannot share information about others without putting their job and their employer at risk. Ex: A parishioner who works in admitting at a hospital is not permitted to add names to the prayer list of the parishioners recently admitted to the hospital without their consent.
5. Never publish prayer lists on a website unless it is behind a login screen for church members only.

If you have any questions, please contact me directly.