

A Message from AHA President Dick Davidson

Dear Colleague:

Last week, a key legal decision was made on the not-for-profit hospital litigation facing more than 40 hospitals or health care systems and the AHA. A judicial panel in Philadelphia ruled against the consolidation of these federal lawsuits. Instead, each case will be heard at the local level – in the communities where the hospitals and health systems provide care on a daily basis.

The AHA and hospital defendants fought consolidation because we believe that the best place to address the health care needs of our local communities is among the hospitals, patients, doctors and nurses who live and work within those communities ... not in the courts.

Now that these cases will be heard locally, it's more important than ever that all hospitals tell the story of how the women and men of America's hospitals work hard every day to ensure the health of their communities. Start by telling your community why they need you. Ensure that they are aware of the countless contributions their hospital makes to the health and stability of their lives.

The attached alert, initially sent to you a few weeks ago, includes key resources and tools that can help. And we've added one more ... www.caringforcommunities.org, a public Web site aimed at helping the public understand America's hospitals and the challenges they face as they provide care in their communities. The site includes news about and the AHA's response to the class action litigation; facts and figures about hospitals and hospital care; a video-link on the promise behind the hospital "H," and much more. Feel free to guide your patients, staff, local legislators and community to the site when they have questions about the litigation or other hospital issues.

It's important that you tell your story, especially in light of this recent court decision. You can get more information at the "Mission Challenged ... Hospitals Respond" Web site at www.aha.org.

Sincerely,

Dick Davidson

Background Information

- **Late last year**, AHA released a white paper examining how complex and confusing Medicare regulations and fraud and abuse laws were making it much more difficult than necessary for hospitals to provide free or discounted care to needy patients who did not otherwise qualify for charity care. Several months following release of the white paper, two agencies within the Department of Health and Human Services – CMS and OIG – issued useful clarifications that were followed up some months later with an AHA-requested live forum in which hospitals were able to ask further questions about those Medicare regulations and fraud and abuse laws. Both the written clarifications and the live forum have enabled hospitals to move ahead in their efforts to provide free or discounted care to even more needy patients without fear of running afoul of federal laws and regulations.
- **In December of 2003**, the AHA Board of Trustees released *Hospital Billing and Collection Practices: Statement of Principles and Guidelines*, to help hospitals ensure they are treating patients equitably, serving the emergency needs of all who need care regardless of their ability to pay, assisting patients who cannot pay for all or part of their care, and balancing needed financial assistance for some with the broader fiscal responsibilities of keeping the hospital's doors open for all in the community who need care.
- **In April of 2004**, hospitals nationwide began signing a Confirmation of Commitment to the guidelines, publicly demonstrating their ongoing commitment to ensuring that their compassion for patients extends from the bedside to the billing office.
- **In June** a group of plaintiffs' lawyers began filing class-action lawsuits against not-for-profit hospitals and health systems, alleging their billing and collection practices for the uninsured violate certain federal and state laws, including those that govern tax-exempt organizations.
- **In June** congressional panels looked into hospital billing and collection practices and tax-exempt status. The hearings were held by the House Energy and Commerce Committee Subcommittee on Oversight and Investigations, the House Ways and Means Committee Subcommittee on Oversight, and the Senate Finance Committee.
- **Media outlets** covered the issues extensively, beginning last year with stories about hospitals' billing and collection practices and how hospitals treat the uninsured.
- **Labor organizations** have seized upon the issue to further their organizing efforts, taking out hard-hitting local and national ads aimed at putting pressure on the leaders of hospitals the unions have targeted for organizing activities.
- **Consumer advocate groups** have highlighted the problems of the uninsured. Several – including Families USA, The Access Project and the National Alliance for Hispanic Health – support the AHA's Principles and Guidelines; at the same time, groups purporting to be consumer advocates, but that have roots in the health insurance industry, have used the issue to further their own interests.

How You Can Help Tell Your Story

How can you increase understanding and recognition of the benefits that your hospital brings to the community you serve? Here are three key steps to help ***tell your story***:

1. Gather the information you need to talk about the important work your organization does in the community.

- ✓ Review your IRS Form 990 and other public documents to be sure you fully describe the community benefits you provide.
- ✓ Share the results of your Community Benefits assessment. Or, check our list for other tools to help articulate your total community contribution.
- ✓ Are there individuals or families whose bill has been heavily discounted or waived? With HIPAA in mind, would they speak to the good you do?

2. Talk about what you're doing in meaningful terms that demonstrate compassion for people ... instead of talking about how much money you spent on a program, for example, talk about how many families or individuals benefited.

- ✓ Primary and preventive care outreach, and collaboration with other community organizations to improve the health of the community.
- ✓ Assisting patients who cannot pay for part or all of the care they receive, regardless of their insurance status.
- ✓ Making information available about charges for hospital services.
- ✓ Making care more affordable, including offering discounts for patients who don't qualify for charity care.
- ✓ Serving everyone who comes through the emergency department doors, regardless of their ability to pay.
- ✓ Providing patients with payment information in clear language.
- ✓ Ensuring that bill collection activities ... whether handled by the hospital or an outside agency ... treat patients with dignity and respect.
- ✓ Offering free services, like community education and outreach.

How You Can Help Tell Your Story

3. Talk with your key audiences.

Inside the hospital: The most important audience is your own board, employees, volunteers, auxiliaries, medical staff, and others ... they live in the community and reflect your organization. Make sure they know all the good that their organization does for their neighbors. Don't overlook the businesses in your community with whom you have important relationships.

Elected leaders: Invite your U.S. senators and representative to your hospital to see the good you do; share the results of your Community Benefits assessment or other form of assessment. Make the same offer to state legislators and leaders of your county and municipal governments.

Local media: Contact local newspapers and radio and television outlets; offer stories about people who have been helped by your hospital ... and offer to share the results of your assessment of the benefits you provide your community.

Community leaders: Local clergy, business and civic organizations (Lions, Elks, etc.), consumer, racial and ethnic groups, academics and senior citizen groups should know your community contributions. Offer speakers and programs for their meetings and offer to have them visit the hospital. Pay particular attention to women's organizations ... on health care issues they are profoundly influential. Encourage these groups to talk with the media about the good things your hospital does.

Other communications tips

- If your organization is not-for-profit, routinely identify it as such ... built and maintained by your community ... on all internal and public communications.
- Be prepared to discuss your hospital's organizational structure with the community and the media, and how the components contribute to your charitable mission.
- Review your hospital's public communications plans for the coming year ... including paid communications and news releases ... be certain you use every opportunity to remind the community of your mission, actions, and commitment to them.
- Have a clear, concise statement of your hospital's charity care, discounting, and billing and collection policies available for the public.

Three Key Messages to Help You Tell Your Story

1. Too many Americans can't afford health care insurance.

- ✓ This fact reveals an unfortunate flaw of our society: a lack of political will to address a problem that hurts individuals and families, and that is at the center of the nation's health care crisis.
- ✓ Despite this and other challenges, hospitals every day care for the nation's poor, uninsured and others in their communities, and have longstanding commitments to do so. *(Highlight programs in your community.)*
- ✓ In 2002 alone, hospitals provided \$22 billion in uncompensated care. *(Add examples of how your own policies and practices respond to the needs of the uninsured of limited means in your community; highlight numbers of patients served and the types of services they received.)*

2. Lawsuits being filed against America's hospitals are misdirected.

- ✓ More than 70 federal lawsuits have been filed against not-for-profit hospitals and health systems in 24 states, and more are expected.
- ✓ The lawsuits are being spearheaded by Richard Scruggs, who came to national attention in connection with lawsuits against the tobacco industry.
- ✓ The lawsuits allege that hospitals' billing and collection practices for the uninsured violate certain federal and state laws, including those that govern tax-exempt organizations.
- ✓ The lawsuits are misdirected and divert attention from the real issue: how our nation can ensure basic health coverage for all Americans. The lawsuits could reduce the resources hospitals have to serve the uninsured of limited means and others, and could increase the cost of care.

3. Despite the hospital field's best efforts to help people, hospitals alone cannot meet the needs of the uninsured of limited means.

- ✓ Hospitals, businesses, government, insurers and consumers need to work together to find solutions. *(Highlight examples of your organization's work in this area ... such as Cover the Uninsured Week activities.)*
- ✓ The lawsuits are not a solution to the real problems of the uninsured in need. For the good of their patients and communities, hospitals will vigorously defend themselves against these costly and misguided lawsuits.

Tools to Help You Tell Your Story

- **Your Community Benefit assessment**
 - ✓ Several states require them ... if yours does, it's a good source of information that can be shared with all the key audiences: legislators, local media, community groups, and your hospital team.
 - ✓ If your state doesn't require one, do you subscribe to assessment tools developed by VHA Inc. or the Catholic Health Association of the U.S.? If so, share the information gleaned from those assessments.
- **Other assessment sources**
 - ✓ The AHA has developed a checklist (attached to this Alert) to help you report and talk about the benefits you provide to your community. The checklist is intended to help hospitals and health systems present a more comprehensive picture of how the organization benefits its community, and share information publicly about successful community activities.
 - ✓ The Association for Community Health Improvement offers several community benefit resources, including samples of community benefit reports currently in use. See them at www.communityhlth.org.

See www.aha.org at “Mission Challenged: Hospitals Respond” under “Key Issues” for more details, including the AHA’s testimony before the congressional committees, the AHA Principles and Guidelines and the Confirmation of Commitment, member advisories, and much more.



**American Hospital
Association**

Hospitals Caring for Communities

A Checklist for Talking about Your Hospital's Commitment and Activities

Hospital leaders use many approaches to sharing information publicly about their commitment to their communities, and about the services and benefits they provide. Because every hospital and community is unique, no single method will work for all. What is essential in today's environment is that every hospital make an organized and emphasized effort to document and share all of the services and benefits they provide, and their impact on community health.

This is important both to better serve people by ensuring that they understand the kinds of services available to them, and also to respond to calls for greater public accountability for hospital activities.

The American Hospital Association developed the following checklist for hospitals to use, with whatever other approach might be in place, to improve their effectiveness in reporting and talking about how they benefit their communities. Hospitals must present the most comprehensive picture possible of how they serve their communities. The checklist is designed to help you tell your unique story of what your hospital is doing for and with your community.

✓ **Make your hospital's mission, values and goals clear to your employees, medical staff, volunteers and the public.**

Key questions:

- Are the hospital's mission/values/goals clearly described, easily understood, and communicated throughout all levels of the organization and to the broader community?
- How does the hospital ensure its commitment to the mission/values/goals is maintained?
- Do you demonstrate that the mission/values/goals reflect community needs? Can you show the mission/values/goals have changed as community needs have changed? How do you ensure the mission/values/goals continue to reflect changing community needs?
- Can you show how specific activities and services further your mission/values/goals?

✓ **Demonstrate your community connection.**

Key questions:

- Do you understand the unique social, geographic, economic or other special characteristics of your community? Have you identified the community's highly vulnerable populations ... teenagers, the elderly, indigent, and ethnic or racial minorities?
- Have you researched the unique health needs of the community and its unmet or underserved needs?
- What economic, social, cultural and geographic barriers to care exist within the community?
- Can you describe how the hospital determined the community's characteristics and needs? Did your hospital work with other governmental, community and/or social service organizations to conduct a community needs assessment? What were the unique contributions the hospital made to the assessment? Were existing community organizations and individual members of the community involved?

✓ **Make available a comprehensive inventory of the benefits your hospital provides to the community.**

Key points:

- Talk in human terms about how the needs of the community are being met by your *inpatient diagnostic and treatment services*, such as obstetrical, neonatal care, emergency, rehabilitation, inpatient psychiatric, burn, geriatric, chronic obstructive pulmonary disease, AIDS, substance abuse, and trauma services.
- Do the same for your *outpatient services*, including outpatient diagnostic and treatment services such as chemotherapy, diagnostic therapeutic radiology, and/or urgent care; psychiatric and mental health outpatient services such as counseling and treatment, crisis intervention or substance abuse; coordinated outpatient rehabilitation; orthopedic clinics such as back clinics, sports medicine and kidney dialysis.
- Demonstrate the value of your *outpatient and off-site community health promotion services* such as health screenings for schools or workplace sites, immunizations, community health education and counseling, disease/condition-specific education and counseling, and family planning and parenting education.
- What effect do your *extended care services*, such as home health and homemaker services, hospice, skilled nursing or intermediate care, and continuing care retirement communities have on community health?
- Can you relate these programs and services directly to the community need identified in your community needs assessment? Are these programs and services meeting any unmet or underserved needs identified in the needs assessment? Has the hospital added or expanded any services or programs within the last several years in order to address any of the community's unmet or underserved needs?
- What programs and services target the community's highly vulnerable populations, including, for example, the indigent, elderly, children and teens, women and newborns, limited English speaking, and persons with disabilities and other special needs? How do you reach out to and involve these vulnerable populations in the design and operation of these services and programs? How are you increasing awareness of these services and programs among these highly vulnerable populations?

- How is your hospital working to reduce or eliminate the economic, social, cultural and geographic barriers to care that exist within the community you serve?
- Have you created a master list of all the community programs and services the hospital offers, whether operated and/or funded solely by the hospital, or operated in cooperation with other social and community organizations? Have you included programs and services related to housing and community development or revitalization, foreign language translation, provision of food and clothing, poison control and other public health related services, health manpower development, ambulance and other transportation services, rural health outreach, laundry services, discount medication, pastoral care, community hazardous waste disposal, and emergency and disaster response services?
- Does your hospital have patient advocates on the job? Does the hospital have or participate in an organized program to coordinate community support services after a patient has been discharged from the hospital?
- Is the hospital a teaching hospital or affiliated with a teaching hospital or college for training physicians? Nurses? Other allied health professionals?
- Does the hospital undertake, support, or facilitate basic scientific or clinical research at its facilities?
- How does your hospital work with governmental, social and community organizations to address the specific health needs of the community? Has the hospital collaborated with other hospitals to meet those needs?
- Are any of these community programs and services operating at a financial break-even point or at a financial loss? Has the hospital worked with community funding organizations to ensure continued and sustainable support for its programs and services? Is the hospital providing financial assistance for start-up or to support continued operation of programs and services offered by other community and social service organizations?

✓ **Emphasize the impact the hospital's programs and services have had on the community the hospital serves.**

Key questions:

- Can you estimate how many people have been served through the hospital's programs and services? How long has the hospital supported its programs and services? Does the hospital have plans to expand any programs or services?
- Can you measure the recipients' and the community's satisfaction with the hospital's services and programs?
- What do community and social service organizations within the community have to say about the hospital's programs and services? Are these organizations referring community members to the hospital for these programs or services?
- What does the business community say about your programs and services?
- Has the hospital gathered information on the impact its programs and services have had on the community's health status? What data has the hospital collected (or might the hospital collect) to determine the impact of its programs and services?
- How has the hospital modified, changed or improved any of its programs or services as a result of such an evaluation?
- Has the hospital been recognized locally, within the state, and/or nationally for any of its programs and services?
- Has the hospital advised, consulted with or assisted hospitals serving other communities in implementing similar programs or services in their communities?