Applicability: UW Medicine

Policy Title: Use & Disclosure of Protected Health Information for Fundraising

Policy Number: PP-10

Superseded Policy(ies) or Entity Policy: N/A

Date Established: April 10, 2003

Date Effective: July 1, 2014

Date Revised: May 21, 2007; January 7, 2011; April 6, 2012; July 30, 2013

Next Review Date: July 1, 2017

PURPOSE AND SCOPE
This policy provides the direction for patient fundraising activities, and exists as part of UW Medicine's broader privacy policies, as well as UW Medicine's overall fundraising policy.

This policy is applicable to all UW Medicine entities.

POLICY PRINCIPLES/STATEMENT
Philanthropy provides vital financial support for UW Medicine's mission to improve the health of the public through primary and specialty care, educational activities and medical research. Within the current regulatory framework, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA), UW Medicine may use an approved set of patient demographic data for fundraising purposes. Demographic data includes the patient’s name, address, other contact information, age, gender, date of birth, dates of healthcare provided, department of service, treating physician, outcome information and health insurance status, except where there are additional state law restrictions as described in Section C.

UW Medicine will not prohibit or condition treatment or payment on a patient’s choice with respect to the receipt of fundraising communications. UW Medicine conducts fundraising to expand and support healthcare services, educational programs, and research activities related to curing disease. UW Medicine does not sell, trade or loan patient information to any third parties, but UW Medicine may share it with third parties working directly for UW Medicine. These third parties must agree to protect the confidentiality of the information through a Business Associates Agreement (see UW Medicine Compliance Policy: PP.12 Use & Disclosure of Protected Health Information by Business Associates).

DEFINITIONS
See UW Medicine Compliance Policy: PP.00 Glossary of Terms.
POLICY
A. General fundraising requirements

Fundraising is recognized as part of healthcare operations and is conducted on behalf of all of UW Medicine. When conducting fundraising, UW Medicine works collaboratively with physicians, faculty researchers, healthcare professionals, other employees and volunteers to accomplish this goal. The following general principles apply:

1. All fundraising efforts must be coordinated with the appropriate UW Medicine entity advancement office.

2. This policy and all federal and state regulations apply to the activity of fundraising.

3. Any person engaging in a fundraising activity must follow these fundraising policies.

4. Fundraising includes any activity in which a solicitation or request for charitable contribution occurs.

B. Use of patient data for fundraising

UW Medicine may use an approved, limited set of patient demographic data for fundraising purposes. Specifically, UW Medicine may use, or disclose to a business associate or to an institutionally related foundation the following: demographic information relating to an individual (including name, address, other contact information, age, gender, and date of birth, dates of service, department of service, treating physician, outcome information, and health insurance status, except where there are additional state law restrictions (see Section C) for the purpose of raising funds for UW Medicine’s benefit, without an authorization.

The UW Medicine Joint Notice of Privacy Practices of UW Medicine and Certain Other Providers describes the use of patient information for fundraising purposes. Caregivers may refer patients to their entity advancement office if the referral is made using only the information approved for fundraising, except where there are additional state law restrictions (see Section C).

Patients have the right to opt out of the use of their demographic data for purposes of fundraising. If a patient opts out of fundraising, UW Medicine will remove the patient from future fundraising communications. All fundraising communications must tell the patient how to opt out of future communications. Only the primary patient database may be used for fundraising purposes because this is the database that identifies which patients have opted out of receiving fundraising communications. UW Medicine may provide an individual who has elected not to receive further fundraising communications a method to opt back in to receive such communications.

C. Other legal exclusions
In compliance with the Revised Code of Washington (RCW), UW Medicine excludes demographic information of patients treated for certain health conditions from broad-based fundraising communications, including mental health conditions, drug or alcohol addiction, sexually transmitted disease (STD) testing and treatment or human immunodeficiency virus (HIV). In these areas, caregivers may refer individual patients to their entity advancement office if the patient has expressed interest.

D. Business associates

When UW Medicine contracts with an outside entity to carry out a necessary operational function; a Business Associates Agreement must be in place. See UW Medicine Compliance Policy: PP.12 Use & Disclosure of Protected Health Information by Business Associates.

E. Opting out of receiving fundraising communications

An individual who wishes to opt out of receiving fundraising communications should send a request, as defined in UW Medicine’s Joint Notice of Privacy Practices of UW Medicine and Certain Other Providers, to:

UW Medicine Compliance  
Box 358049  
Seattle, WA 98195-8049  
206.616.5248  
866.964.7744  
comply@uw.edu

Workforce receiving questions about how to opt out of fundraising may advise patients of their right not to receive fundraising materials, and refer them to the instructions in the Joint Notice of Privacy Practices of UW Medicine and Certain Other Providers.

F. Opting back in to receiving fundraising communications

An individual who wishes to opt back in to receiving fundraising communications should send a request to:

UW Medicine Compliance  
Box 358049  
Seattle, WA 98195-8049  
206.616.5248  
866.964.7744  
comply@uw.edu

---

1 In some instances, state law provides greater confidentiality than federal law with respect to certain types of health information. When state law is more protective of a patient’s privacy or provides greater access for the patient to health information, state law controls.
Workforce receiving questions about how to opt back in to fundraising should refer them to UW Medicine Compliance.

REGULATORY/LEGISLATION/REFERENCES
- 45 CFR Parts 160 and 164; Section 164.514(f) “Other Requirements Relating to Uses and Disclosures of Protected Health Information – Fundraising communications.”
- RCW 70.02 – Medical Records – Healthcare Information Access and Disclosure.
- Journal of American Health Information Management Association, “Practice Brief - Release of Information for Marketing or Fund-raising Purposes,” Vol. 72 No.5 [May ‘01].

PROCEDURE ADDENDUM(s) REFERENCES/LINKS
- Joint Notice of Privacy Practices of UW Medicine and Certain Other Providers
- UW Medicine Compliance Policy: PP-00 Glossary of Terms
- UW Medicine Compliance Policy: PP-12 Use & Disclosure of Protected Health Information by Business Associates

ROLES AND RESPONSIBILITIES
Defined within POLICY.

AUTHORITIES

<table>
<thead>
<tr>
<th>Custodian</th>
<th>Responsible Officer</th>
<th>Implementation Officer</th>
<th>Administrative Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>UW Medicine Compliance</td>
<td>UW Medicine Compliance</td>
<td>UW Medicine Compliance</td>
<td>UW Medicine Compliance</td>
</tr>
<tr>
<td>Author</td>
<td>Owner</td>
<td>Auditor</td>
<td>Endorser</td>
</tr>
<tr>
<td>UW Medicine Compliance</td>
<td>UW Medicine Compliance</td>
<td>UW Medicine Compliance</td>
<td>UW Medicine Executive Compliance Committee</td>
</tr>
</tbody>
</table>

APPROVALS

UW Privacy Official
Johnese M. Spisso, Chief Health System Officer,
UW Medicine & Vice President for Medical Affairs, UW