
Department: UW Medicine Compliance

Subject:

PP-10 Use & Disclosure of Protected Health Information For Fundraising

Policy Number: 10

Effective Date: May 21, 2007

Review Date: May 21, 2007

Purpose

Philanthropy provides vital financial support for UW Medicine's medical research, primary and specialty care, and educational missions. Within the current regulatory framework, including the Health Insurance Portability and Accountability Act (HIPAA), UW Medicine may use an approved set of patient demographic data for fundraising purposes. Demographic data includes the patient's name, address, and other contact information (phone number or email), as well as dates of hospital service, gender, age, and insurance status. This document provides the overall policies for patient fundraising, and exists as part of UW Medicine's broader HIPAA policy, as well as UW Medicine's overall fundraising policy.

Policy

A. General fundraising requirements

Fundraising is recognized as part of health care operations and is conducted on behalf of all of UW Medicine¹. UW Medicine Development works collaboratively with physicians, faculty researchers, health care professionals, other employees, and volunteers to accomplish this goal. The following general principles apply:

1. All fundraising efforts must be coordinated with UW Medicine Development.
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

¹ For Purposes of HIPAA, UW Medicine includes the following entities: University of Washington Medical Center and Clinics; Harborview Medical Center and Clinics; UW Physicians Neighborhood Clinics (University of Washington Physicians Network); UW Physicians Sports Medicine Clinic; UW Physician's Eastside Specialty Center; Hall Health Primary Care Center; and University of Washington Physicians, as well as certain services and activities that support UW Medicine that are performed by non-health care components of the University of Washington as defined within Privacy Policy PP-01 Use & Disclosure of Protected Health Information – Organizational Requirements.

In compliance with federal and state law, UW Medicine may use an approved, limited set of patient demographic data for fundraising purposes. The UW Medicine Notice of Privacy Practices describes the use of patient demographic data for fundraising purposes. Caregivers may refer patients to UW Medicine Development if the referral is made using only the demographic 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 must make reasonable efforts to ensure that the patient does not receive a fundraising communication in the future. 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.

C. Other legal exclusions

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. Accordingly, in compliance with the revised code of Washington, UW Medicine excludes demographic information of patients treated for certain health conditions from broad based fundraising communications, including psychiatric conditions, drug or alcohol addiction, or STD testing and treatment, or HIV. In these areas, caregivers may refer individual patients to UW Medicine Development if the patient has expressed interest.

D. Business Associates

When UW Medicine contracts with an outside entity to carry out a necessary operational function; it is permissible for patient data to be shared if the contractual agreement stipulates compliance with privacy legislation and UW privacy policy. Please see UW Medicine Privacy Policy *PP-12 Use & Disclosure of Protected Health Information by Business Associates*.

I. Opting Out of Receiving Fundraising

Step	Action
1	An individual who wishes to opt out of receiving fundraising communications should send a written request, as defined in UW Medicine’s Notice of Privacy Practices, to: UW Medicine Privacy Office Box 359210 Seattle, WA 98195-9210 Staff 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 Notice.

References:

- I. 45 CFR Part 160 and 164; Section 164.514(f) "Other Requirements Relating to Uses and Disclosures of Protected Health Information – Uses & Disclosures of PHI for Fundraising".

- II. Journal of American Health Information Management Association, "Practice Brief - Release of Information for Marketing or Fund-raising Purposes", Vol. 72 No.5 [May '01].

UW Privacy Officer: _____ Date: _____

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