

Section 3	Compliance Policies	00/00/03	- Effective
Subject 6.2	HIPAA: Privacy and Disclosure		- Revised
<b>Policy 6.2.18</b>	<b>Use &amp; Disclosure of PHI for Fundraising</b>	Compliance Office	- Reviewed
			- Author

## Use & Disclosure of PHI for Fundraising

### **Audience**

---

The information in this document applies to all UTMB faculty, staff, students, volunteers, and any other contractors or agents granted access to Protected Health Information (PHI).

---

### **Policy**

UTMB may not use or disclose a patient's Protected Health Information (PHI) for fundraising purposes without specific authorization from the patient or legally authorized representative. UTMB fundraising personnel may only use and disclose dates of treatment and demographic information in connection with fundraising activities unless they obtain specific authorization from individual patients granting more expansive use of the patient's PHI. Demographic information generally includes name, address, other contact information, age, gender and insurance status.

Information about the department in which an individual received services also cannot be used for fundraising purposes without the patient's prior authorization, if that information would reveal or could reveal the nature of the diagnosis, services or treatment that the individual received.

---

### **Use & Disclosure Requirements**

UTMB personnel and affiliated fundraising associates MAY:

- Use a patient's basic demographic information to solicit gifts.
- Access patients' dates of care.
- Use public information outside its internal database to send fundraising requests, without fear of violating this policy.

UTMB personnel and affiliated fundraising associates MUST:

- Provide a "Notice of Privacy Practices" to any patients they may be planning to contact. Patients may receive a Notice of Privacy Practices while at UTMB, by visiting the UTMB website, or calling (800) XXX-XXXX.
- Include an opt-out provision along with the initial fundraising letter sent describing how individuals may opt out of receiving further fundraising materials.
- Exclude information about diagnosis, nature of services, or treatment in any solicitation.
- Remove that patient's information immediately from the mailing list upon receipt of an "opt out" clause.

---

Continued on next page

Section 6	Compliance Policies	00/00/03	- Effective
Subject 6.2	Privacy and Disclosure		- Revised
<b>Policy 6.2.18</b>	<b>Use &amp; Disclosure of PHI for Fundraising</b>	Compliance Office	- Reviewed
			- Author

## Use & Disclosure of PHI for Fundraising, Continued

### Use & Disclosure Requirements (cont'd)

- Sign an appropriate business associate contract before disclosing patient information to consultants or outside entities for fundraising activities (See Policy 6.1.4, *Business Associates With Access to PHI*). This contract is not necessary should UTMB employees or an institutionally related foundation perform the fundraising, which includes nonprofit foundations that raise only a portion of funds for UTMB.

After Notice of Privacy Practices is sent, information that CAN be used for fundraising without authorization or consent includes:

- Name
- Address
- Other contact information (such as email, phone etc.)
- Age
- Gender
- Insurance status
- Date of service

Information that CANNOT be used *without authorization*:

- Diagnosis
- Nature of services
- Treatment
- Place within hospital where patient receives treatment that specifically identifies that treatment, such as
  - Department of Psychiatry
  - Department of Obstetrics
  - Department of Radiation Oncology

Information about a part of the hospital where treatment occurred may be used to filter names for fundraising as long as the department does not identify the **type** or **nature** of treatment. Caution should be used when divulging the matter of hospital area treatment.

When a prospective contributor voluntarily discloses information about diagnosis and treatment to a member of UTMB's fundraising staff, that information can then be used for other fundraising purposes.

UTMB HANDBOOK OF OPERATING PROCEDURES

Section 6	Compliance Policies	00/00/03	- Effective
Subject 6.2	Privacy and Disclosure		- Revised
<b>Policy 6.2.18</b>	<b>Use &amp; Disclosure of PHI for Fundraising</b>	Compliance Office	- Reviewed - Author

## **Use & Disclosure of PHI for Fundraising**, Continued

### **Enforcement**

---

All supervisors are responsible for enforcing this policy. Individuals who violate this policy will be subject to the appropriate and applicable disciplinary process, up to and including termination or dismissal.

### **Reference**

---

45 C.F.R. §164.514(f)(1)  
45 C.F.R. §164.508  
Texas Health & Safety Code §181.152

---