

Office of the Executive Vice President for Health Affairs

HPA-009: Uses and Disclosure of Protected Health Information for General Fundraising Purposes (formerly HSG-009)

Date: November 1, 2018

Applies To: The Medical Center, the School of Medicine, the School of Nursing, Claude Moore Health Sciences Library, Transitional Care Hospital, the Health System Development Office/UVA Health Foundation (“Health System Development Office”), and the University of Virginia Physicians Group (“UPG”)

Policy Statement: The University of Virginia Health System and each of its Entities shall comply with regulations under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and the Health Information Technology for Economic and Clinical Health Act of 2009 (“HITECH”) that establish the requirements for using and disclosing patients’ health information for fundraising purposes. All fundraising and development activities shall be approved by and coordinated through the University of Virginia Health System Development Office. The Health System shall not condition a patient’s treatment on the patient’s choice regarding receipt of fundraising communications.

Definitions: **Entities.** For purposes of this and all other Health System policies, “Entities” shall refer to: the Medical Center, the School of Medicine, the School of Nursing, Claude Moore Health Sciences Library, Transitional Care Hospital, the Health System Development Office, and UPG (hereinafter referred to collectively as “Entities” or each individually as an “Entity”).

Procedures:

- 1. The Entities may collect internally, and provide to the University of Virginia Office of Health System Development, and the University of Virginia Health Foundation for use in fundraising on behalf of the Health System, the following information without obtaining a specific authorization from patients or their legally authorized representatives:**
 - The individual’s demographic data, including name, address, other contact information, age, gender and date of birth
 - Dates of service
 - Departments of service
 - Treating physician(s)
 - Limited information regarding the outcomes of treatment, to be used solely for screening purposes
 - Health insurance status

- 2. Use or Disclosure of Information about a patient’s diagnosis or the nature of services provided requires patient’s written authorization prior to use or disclosure:**
 - a. Except for the information listed in Section 1 above, identifiable information about a patient, including diagnoses or the nature of services provided, cannot

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be collected, used, or disclosed for fundraising by the Health System Entities without a valid written authorization signed by the patient or a legally authorized representative. Patient names, photographs, or other identifiable information (including but not limited to diagnostic and treatment information) may not be disclosed in print or video solicitations without a valid written authorization signed by the patient or a legally authorized representative.

b. Authorization forms for these uses may be obtained by contacting the University of Virginia Health System Development Office.

c. All authorizations and revocations of authorizations shall be promptly submitted to the University of Virginia Health System Development Office, which shall maintain a file of valid authorizations and shall track and implement all revocations. Authorizations and revocations will be maintained for six years from the date signed or the date last in effect, whichever is later.

3. Fundraising Materials Origination:

All fundraising materials sent to prospective donors must originate from University of Virginia Health System Development or the University of Virginia Health Foundation and must prominently identify the University of Virginia Health System as the source of the communication.

4. Patient Opt Out:

All fundraising communications (e.g., newsletters, direct mail appeals, etc.) must clearly and conspicuously, advise patients of their right to opt out of receiving further fundraising communications, and provide the following instruction about the opt-out process (not in fine print):

Please call us at one of the following telephone numbers if you wish to have your name removed from the list to receive fundraising requests supporting the University of Virginia Health System in the future:

*University of Virginia Health System Development Office
(800) 297-0102 or (434) 924-8432.*

An opt-out will be treated as the equivalent of a revoked Authorization. From that time forward, the patient will not receive any further fundraising communication unless the Health System subsequently receives an opt-in notification from the patient.

5. Physicians:

The University of Virginia Health System Development Office will work with individual physicians to identify patients who may receive solicitations that do not use or disclose the patient's health information, other than information allowed to be used under Section 1 of this policy.

6. Volunteers:

Volunteers with University of Virginia Health System Development and University Development may receive patients' information as provided in this Policy, in order to assist in fundraising efforts. Volunteers shall receive training as appropriate regarding their obligation to keep all patient information confidential and shall be required to sign a confidentiality form.

7. Use of Patient Information for Marketing Activities:

Consult [Health System Policy HSG-010 "Use and Disclosure of Protected Health Information for Marketing and Related Purposes"](#) regarding use of patients' information for marketing and related purposes.

Approved by/Date: Executive Vice President for Health Affairs/July 2017
Health System Leadership/July 2017
Health System Policy Committee/June 2017

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Signature:

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Date:
