

Office of the Executive Vice President for Health Affairs

Policy Name **Use and Disclosure of Protected Health Information for General Fundraising Purposes Health System Policy**

Date: 06/01/2024

Applies To: Health System Entities, as such term is defined in this policy.

Reason for Policy: Federal health care law permits health care providers to use limited elements of patient information for their own fundraising purposes, without the patient’s explicit authorization. This policy explains the elements of patient information that may be used by the various departments involved in fundraising on behalf of UVA Health and its Entities, and delineates responsibility for obtaining patient authorizations and revocations relating to fundraising uses of protected health information (PHI).

This policy does not govern the use and disclosure of patients’ information for marketing and related purposes. Please refer to *Use and Disclosure of Protected Health Information for Marketing and Related Purposes Health System Policy*.

Definition of Terms:

Authorized Representative – shall have the meaning set forth in *Confidentiality of Patient Information Health System Policy*.

Entity or Entities - refers individually or collectively to the following entities: the UVA Medical Center, the School of Medicine, the School of Nursing, Claude Moore Health Sciences Library, the UVA Health Development Office, UVA Community Health and its subsidiaries (collectively, “UVACH”), UVA Health Surgical Care Center, and University Physicians Group (“UPG”).

Health System or UVA Health – refers collectively to the Entities as defined in this policy.

“HIPAA Authorization” – shall mean a written authorization, signed by the individual who is the subject of the PHI at issue or their Authorized Representative, that contains the elements required by the HIPAA Privacy Rule at 42 CFR section 164.508(b).

Protected Health Information (“PHI”) – shall have the meaning set forth in Confidentiality of Patient Information Health System Policy.

Policy Statement: UVA Health 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”)

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that establish the requirements for using and disclosing patients' Protected Health Information for fundraising purposes. All fundraising and development activities shall be approved by and coordinated through the UVA Health Development Office, or when applicable, the UVA Community Health Foundation. The Health System shall not condition a patient's treatment on the patient's choice regarding receipt of fundraising communications or donations.

Procedures:

1. UVA Health and its Entities may collect internally, and provide to UVA Health Development, the University of Virginia Health Foundation, UVA University Advancement, and UVA Community Health Foundation for use in fundraising on behalf of UVA Health and its Entities, the following types of patient information without obtaining a specific authorization from patients or their Authorized Representatives:
 - The individual's demographic data, including name, address, date of birth, age, gender identity, e-mail address and other contact information.
 - Dates of service
 - Departments of service
 - Treating provider(s)
 - Limited information regarding the outcomes of treatment, to be used solely for screening purposes
 - Health insurance status
2. Except as permitted by in Section 1 above, patients' PHI may not be collected, used, or disclosed for fundraising purposes without a valid written authorization signed by the patient or an Authorized Representative. Patient names, photographs, or other identifiable information may not be disclosed in solicitations, regardless of media or platform, without a valid HIPAA Authorization (e.g., the *Marketing Consent for Photograph, Video, Audio Recording and/or Interview*). For a complete description of information considered "individually identifiable", refer to *Confidentiality of Patient Information Health System Policy*.
 - a. Authorization forms for these uses may be obtained by contacting the UVA Health Development Office or when applicable, the UVA Community Health Foundation.
 - b. All authorizations and revocations of authorizations shall be promptly submitted to the UVA Health Development Office, which is responsible for maintaining a file of valid authorizations and shall track and implement all revocations. Authorizations and revocations will be maintained for a minimum of six years from the date signed or the date last in effect, whichever is later.
3. **Fundraising Materials Origination:**

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All fundraising materials sent to prospective donors must originate from UVA Health Development, the University of Virginia Health Foundation, or when applicable, the UVA Community Health Foundation and must prominently identify the University of Virginia Health System or UVA Community Health Foundation 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 in a manner that complies with applicable law, including without limitation the CAN-SPAM Act of 2003¹, and must provide the following instruction about the opt-out process (not in fine print):

If you prefer not to receive future fundraising communications from UVA Health Foundation, please contact us at 800-297-0102 or UVAHealthoptout@virginia.edu.

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. Team Members:

It is permissible for Team Members to share with UVA Health Development Office the names of patients who may be good candidates for targeted fundraising. Only the elements of information listed in section 1 may be shared with the Development Office.

6. Volunteers:

Volunteers with UVA Health Development, University Advancement, and the UVA Community Health Foundation may receive patients' information as provided in this Policy, in order to assist in fundraising efforts. Volunteers are considered "workforce members" and shall receive training as appropriate regarding their obligation to keep all patient information confidential and shall be required to sign a confidentiality form.

Related Information: HIPAA Authorization

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

¹ For further information, see <https://www.ftc.gov/tips-advice/business-center/guidance/can-spam-act-compliance-guide-business>

Health System Policy Committee/June 2017

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