



HIPAA Policy 5.2

Title:	Fundraising
Source:	Office of Regulatory Compliance
Prepared by:	Assistant Vice Chancellor for Regulatory Affairs
Approved by:	Vice Chancellor for Research
Effective Date:	July 1, 2013
Replaces:	02/26/03
Applies:	All UCD campuses

Introduction

Purpose

The purpose of this policy is to identify the circumstances whereby the UCD is authorized to contact patients or their representatives for the purpose of raising funds.

Reference

45 C.F.R. § 164.514(f)

Applicability

It is the responsibility of anyone in the UCD who raises money or assists others with fundraising efforts of the University to follow this policy when using PHI.

Policy

The UCD may not use or disclose PHI for the purpose of raising funds without an authorization meeting the requirements of UCD HIPAA Policy 3.1 or as otherwise provided by this policy or the HIPAA Privacy Rule.

Procedures

The UCD may not use or disclose PHI for fundraising purposes unless:

1. The individual whose PHI will be used or disclosed has signed a valid authorization as provided in UCD HIPAA Policy 3.1;
2. No authorization has been signed, but:
 - a. the only information to be used or disclosed is:
 - i. demographic information relating to the individual; and
 - ii. dates of health care provided to the individual;
 - iii. department of service information
 - iv. treating physician
 - v. outcomes information, and
 - vi. health insurance status.
 - b. the UCD will only use the information for the purpose of raising funds for its own benefit or will only disclose the information to a business associate or to an institutionally-related foundation for the purpose of raising funds for the UCD's benefit;
 - c. a separate statement is included in the UCD's Notice of Privacy Practices which states that the UCD may contact the individual to raise funds for the UCD.
3. Fundraising communications must contain a clear and conspicuous opportunity to elect not to receive any further fundraising communications. The method for opting out must not cause the individual to incur an undue burden or more than a nominal cost.
4. An individual's opt out will apply to UCD. The covered entity may not condition treatment or payment on the individual's choice with respect to the receipt of fundraising communications.
5. The UCD may not make fundraising communications to an individual where the individual has elected not to receive such communications.
6. UCD may provide an individual who has elected not to receive further fundraising communications with a method to opt back in to receive such communications.