

SAMPLE POLICY AND PROCEDURE

Disclosing Protected Health Information for Fundraising Purposes

Purpose

From time to time, [ORGANIZATION] may engage in limited fundraising activities. Under certain circumstances, health care organizations may use or disclose protected health information without the written consent or authorization of individuals for fundraising activities. [ORGANIZATION] is committed to ensuring the privacy and security of individual health information when conducting fundraising activities. To support this commitment, [ORGANIZATION] will ensure any use or disclosure of protected health information for fundraising activities is in compliance with 45 C.F.R. § 514(f), and other applicable federal, state, and/or local laws and regulations.

Policy

1. [ORGANIZATION] [MAY] disclose protected health information for activities related to fundraising, only pursuant to an authorization by the individual of such information, except as explicitly stated in this policy and procedure.
2. Disclosures of protected health information for which individual authorization is not required pursuant to 45 C.F.R. §163.514(f) will comply with the policies and procedures described herein.
3. [ORGANIZATION]'s Notice of Privacy Practices will include a statement that the [ORGANIZATION] may contact an individual to raise funds for [ORGANIZATION].

Procedures

1. [ORGANIZATION] will obtain individual authorization before using or disclosing protected health information to a business associate or to an institutionally related

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foundation for the purpose of raising funds for [ORGANIZATION]'s benefit, except in the following situations:

- (a) [ORGANIZATION] [MAY], without obtaining individual authorization, use or disclose demographic information relating to an individual to a business associate or to an institutionally related foundation for the purpose of raising funds for [ORGANIZATION]'s benefit;
- (b) [ORGANIZATION] [MAY], without obtaining individual authorization, use or disclose dates of health care provided to an individual to a business associate or to an institutionally related foundation for the purpose of raising funds for [ORGANIZATION]'s benefit.

2. All fundraising materials that are sent to individuals will include a description of how the individual may opt out of receiving any further fundraising communications.
3. [ORGANIZATION] will make reasonable efforts to ensure that individuals who decide to opt out of receiving future fundraising communications are not sent such communications, by utilizing [FILE/SYSTEM/DATABASE] to identify and track individuals who are receiving fundraising communications and those who opt out of such.
4. Knowledge of a violation or potential violation of this policy must be reported directly to the [Privacy Officer] or [Compliance Officer], or to the employee compliance hotline.