



HIPPA Privacy Rule Policies

Policies and Procedures	Policy # 21	
USES AND DISCLOSURES FOR FUNDRAISING		
APPROVED BY:	ADOPTED:	
	REVISED: 07122017	
SUPERCEDES POLICY: NEW	REVIEWED: 07122017	

Purpose

To describe the circumstances under which LifeMed ID is allowed to use or disclose Protected Health Information (PHI) for fundraising purposes in accordance with state and federal privacy laws, HIPAA Regulations and LifeMed ID’s contracts with its customers.

Policy

It is the policy of LifeMed ID to protect PHI and use or disclose PHI for fundraising purposes only in accordance with state and federal privacy laws, HIPAA Regulations and LifeMed ID’s contracts with its customers.

All workforce members must comply with this policy. Violations of this policy will result in disciplinary action based on the seriousness of the offense or other factors. Disciplinary action may include written warning, suspension, or termination.

Definitions

“Customer” is an entity from which LifeMed ID receives PHI subject to a Business Associate Agreement (or other written agreement with the entity) in compliance with the HIPAA Regulations and approved by LifeMed ID’s legal counsel.

For definitions of other capitalized terms or phrases, please refer to: *HIPAA-HITECH Privacy and Security Glossary*.

Procedures

PHI will not be used or disclosed for fundraising purposes except in accordance with this policy.

1. Use and Disclosures for Fundraising. LifeMed ID’s customer may use or disclose to LifeMed ID the following PHI for the purpose of raising funds for its benefit, without an Authorization meeting the requirements set forth in *Privacy Policy #12: Authorization to Use or Disclose Protected Health Information*:
 - a. Demographic information relating to an individual; including name, address, other contact information, age, gender and date of birth,
 - b. Dates of health care provided to an individual,
 - c. Department of service information,





- d. Treating physician,
- e. Outcome information, and
- f. Health insurance status.

LifeMed ID's Privacy Officer, in consultation with legal counsel, will approve in advance uses and disclosures of PHI for fundraising purposes and will ensure that only the information listed above is used or disclosed.

2. Accounting of Disclosure. Disclosures for fundraising purposes do not have to be included in the Accounting of Disclosures because they are either being made directly to the individual or being made pursuant to the individual's written authorization. Refer to: *Privacy Policy #11: Accounting of Disclosures.*

Documentation

This version of the policy, together with any forms and other documentation created or obtained in accordance with the policy, will be retained by LifeMed ID for a period of at least 6 years plus the current year from the date of creation or the date when last in effect, whichever is later.



Regulatory Authority

45 C.F.R. §164.514 Other requirements relating to uses and disclosures of protected health information.

(f) Fundraising communications.

(1) Standard: *Uses and disclosures for fundraising. Subject to the conditions of paragraph (f)(2) of this section, a covered entity may use, or disclose to a business associate or to an institutionally related foundation, the following protected health information for the purpose of raising funds for its own benefit, without an authorization meeting the requirements of §164.508:*

- (i) Demographic information relating to an individual; including name, address, other contact information, age, gender and date of birth;*
- (ii) Dates of health care provided to an individual;*
- (iii) Department of service information;*
- (iv) Treating physician;*
- (v) Outcome information; and*
- (vi) Health insurance status.*

(2) Implementation specifications: *Fundraising requirements.*

(i) A covered entity may not use or disclose protected health information for fundraising purposes as otherwise permitted by paragraph (f)(1) of this section unless a statement required by §164.520(b)(1)(ii)(A) is included in the covered entity's notice of privacy practices;

(ii) With each fundraising communication made to an individual under this paragraph, a covered entity must provide the individual with a clear and conspicuous opportunity to elect not to receive any further fundraising communications. The method for an individual to elect not to receive further fundraising communications may not cause the individual to incur an undue burden or more than a nominal cost.

(iii) A covered entity may not condition treatment or payment on the individual's choice with respect to the receipt of fundraising communications.

(iv) A covered entity may not make fundraising communications to an individual under this paragraph where the individual has elected not to receive such communications under paragraph (f)(1)(ii)(B) of this section.

(v) A covered entity may provide an individual who has elected not to receive further fundraising communications with a method to opt back in to receive such communications.



References

Internal

1. Privacy Policy #11, Accounting of Disclosures
2. Privacy Policy #12, Authorization to Use or Disclose Protected Health Information

External

1. Omnibus Final Rule: <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=a1031c979126e6440b522063b7bba578&rgn=div5&view=text&node=45:1.0.1.3.78&idno=45%20>