

**HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES**

Chapter 11	Patient Privacy Policies	Effective:	April 2003
Section 11.2	Uses and Disclosures of Protected Health Information	Revised:	August 2007
<b>Policy 11.2.8</b>	<b>Uses and Disclosures of Protected Health Information for Fundraising</b>	Responsibility:	Vice President and Chief Development Officer

## **USES AND DISCLOSURES OF PROTECTED HEALTH INFORMATION FOR FUNDRAISING**

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### **Policy**

The Health Science Center may use limited patient protected health information for fundraising purposes without authorization from the patient. The Dean and the Office of Development should approve any departmental fundraising activities prior to initiation.

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### **Definitions**

**DEMOGRAPHIC INFORMATION:** Generally includes name, address, and other contact information, age, gender and insurance status.

**FUNDRAISING:** The organized activity of raising funds for an institutional cause.

**INSTITUTIONALLY RELATED FOUNDATION:** A foundation that qualifies as a nonprofit charitable foundation under Section 501 (c) (3) of the Internal Revenue Code and that has its charter statement of charitable purposes an explicit linkage to the Health Science Center. The Health Science Center institutionally related foundations may support the Health Science Center, as well as other entities under the umbrella of the Health Science Center.

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### **General Procedures**

The Health Science Center fundraising personnel may use, or disclose to a business associate or to an institutionally related foundation, the patient's dates of treatment and demographic information in connection with fundraising activities for its own benefit without an authorization. If required, fundraising staff may obtain a specific authorization from individual patients granting more expansive use of the patient's protected health information.

Health Science Center personnel and affiliated fundraising associates may:

- Use a patient's basic demographic information to solicit gifts.
- Access patient's dates of care.

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- Use public information outside its internal database to send fundraising requests, without violating this policy.

Health Science Center personnel and affiliated fundraising associates must:

- Exclude information about diagnosis, nature of services, or treatment in any solicitation.
- Sign an appropriate business associate contract before disclosing patient information to consultants or outside entities for fundraising activities (See [Section 11.1.3](#) of the *Handbook of Operating Procedures* (HOP), "Business Associates"). This contract is not necessary should the Health Science Center employees or an institutionally related foundation perform the fundraising, which includes nonprofit foundations that raise only a portion of funds for the Health Science Center.

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### **Notice of Privacy Practices**

Health Science Center personnel must provide a "Notice of Privacy Practices" (Notice) to all patients who receive services from the Health Science Center. Patients can also obtain this document on the Health Science Center's web site at <http://www.uthscsa.edu/hipaa/patientrights/noticeofprivacypracticesuthscsa.pdf>, or by calling 210/567-5212. The Notice must include the statement that the Health Science Center may use the patient's protected health information for fundraising activities.

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### **Information that May/May Not be Disclosed**

Provided that the patient has been given the "Notice of Privacy Practices," information that can be used for fundraising without authorization includes:

- Name
  - Address
  - Phone number
  - Age
  - Gender
  - Insurance status
  - Date of service(s)
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Information about where treatment occurred in the University may be used to filter names for fundraising as long as the department does not identify the type or nature of treatment. Caution should be used when divulging information about the treatment area.

Information that cannot be used without authorization:

- Diagnosis
- Nature of services
- Treatment
- Place within hospital or University clinics where a patient receives treatment that would specifically identify the treatment, such as: Department of Psychiatry; Department of Obstetrics and Gynecology; Department of Radiation Oncology

Information about the department in which an individual received services cannot be used for fundraising purposes without the patient's authorization, if that information would reveal or could reveal the nature of the diagnosis, services, or treatment that the individual received.

When a prospective contributor voluntarily discloses information about diagnosis and treatment to a member of the Health Science Center's fundraising staff, that information can be used for other fundraising purposes; however, publication of the patient's health information would require the patient's written authorization.

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## **Opt-Out Notice**

The Health Science Center must include an opt-out provision along with the initial fundraising letter sent describing how individuals may opt-out of receiving further fundraising materials. The Health Science Center must make reasonable efforts to ensure that the individuals who choose to opt-out of receiving future fundraising communications are not sent such communications, including removing the patient's information from the mailing list upon receipt of an opt-out request. The sample language can be as follows:

Opt-Out Notice:

You have the right to request that we not send you any future development materials, and we will use our best efforts to honor

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such requests. You may make the request by sending your name and address to The University of Texas Health Science Center at San Antonio to the Office of Development with your request to be removed from our development mailing and contact lists.

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