



Use or Disclosure of Protected Health Information for Fundraising Policy

Policy #:	HPO21.1
Policy Type:	University
Responsible Executive:	VPAA
Responsible Office:	Academic Affairs
Originally Issued:	November 8, 2023
Latest Revision:	November 8, 2023
Effective Date:	November 8, 2023

I. Policy Statement

The University of Louisiana at Monroe's Use or Disclosure of Protected Health Information for Fundraising Official Policy establishes the conditions in which health care facilities and providers affiliated with ULM may use and disclose protected health information for the purpose of fundraising.

II. Purpose of Policy

To specify the conditions under which the health care facilities and providers affiliated with ULM may use and disclose certain PHI for fundraising purposes.

III. Applicability

This policy is applicable to all faculty and staff.

IV. Definitions

Protected Health Information (sometimes referred to as "PHI") – for purposes of this policy means individually identifiable health information, that relates to the past, present or future health care services provided to an individual. Examples of Protected Health Information include medical and billing records of the patient.

Authorization – A written document completed and signed by the individual that allows use and disclosure of PHI for purposes other than treatment, payment or health care operations.

V. Policy Procedure

1.0 ULM may use, or disclose to a business associate or to an institutionally related foundation, without a signed authorization from an individual, the following Protected Health Information for the purpose of raising funds for its own benefit:

- Demographic information relating to an individual, including name, address, other contact information, age, gender, and date of birth;
- Dates of health care provided to an individual;
- Department of service information;
- Treating physician;
- Outcome information;
- Health insurance status.

1.1 ULM must have a business associate contract in place before disclosing patient information to a consultant or outside entity for fundraising purposes.

1.2 To use or disclose other Protected Health Information related to an individual besides the categories included in "1." above, ULM must obtain the patient or personal representative's

authorization to use such information for fundraising purposes. Examples of such information include but are not limited to:

- A patient's illness, diagnosis, or treatment;
- The services received; or
- Other non-demographic information for fundraising purposes.

1.3 ULM may filter patient names for targeted or other fundraising purposes based upon the demographic information.

1.4 The Notice of Privacy Practices of ULM must include a statement that ULM may contact the individual to raise funds for ULM and that the individual has the right to opt out of such communications.

2.0 Request to Opt Out of Receiving Further Communications

2.1 ULM fundraising communications must include a statement describing how the patient can opt out of receiving future fundraising communications and stating that ULM will take reasonable efforts to ensure the patient does not receive future fundraising communications.

2.2 Choosing to opt out cannot cause the patient to incur an undue burden or more than nominal cost. Acceptable methods for patients to opt out include but are not limited to:

- Calling a toll-free number
- Sending an email to an "opt out" email address
- Providing a pre-printed, self-addressed form or post card
- Providing an "opt out" check box on the donation form
- If solicitations are made via telephone, allowing the patient to opt out verbally at that time

Opting out is considered the same as revoking an authorization. Appropriate controls must be in place to prevent an individual who has opted out of receiving fundraising communications from receiving such communications in the future. Once a patient opts out of receiving fundraising communications, it applies to all forms of fundraising communications (e.g. mail, email, telephone, social media, in person contact, etc.)

2.3 ULM may continue to send information about educational and other events to a patient who has opted out from receiving fundraising communications.

3.0 Newsletters

Newsletters and other types of communications concerning ULM events may include active or passive fundraising. These types of communications sent out to broad sections of patients or general audiences do not require an 'opt out' clause.

4.0 Responsibilities

4.1 ULM must designate appropriate personnel who are responsible for reviewing and approving all fundraising communications using PHI.

4.2 ULM must designate appropriate personnel who are responsible for receiving and processing patient requests to opt out of receiving further fundraising communications.

4.3 ULM must designate appropriate personnel who are responsible for obtaining business associate contracts with any business associates involved in the production, distribution, or processing of fundraising communications.

VI. Enforcement

The Vice President of Academic Affairs will be responsible for enforcement of this policy.

VII. Policy Management

The Vice President of Academic Affairs will be responsible for enforcement of this policy.

VIII. Exclusions

None

IX. Effective Date

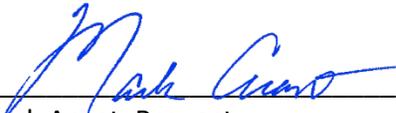
This policy will become effective upon the date it is signed by the University President.

X. Adoption

This policy is hereby adopted on this 8th day of November 2023.

Recommended for Approval by:

Approved by:



Dr. Mark Arant, Provost



Dr. Ronald L. Berry, President

XI. Appendices, References and Related Materials

REFERENCE:
45 C.F.R. § 164.514(f)

XII. Revision History

Original Adoption Date: November 8, 2023