

HARBOR-UCLA MEDICAL CENTER

SUBJECT: USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION (PHI) FOR FUNDRAISING

POLICY NO. 721

**PURPOSE:**

To establish a policy and procedure for Use and Disclosure of Protected Health Information (PHI) for fundraising.

**POLICY:**

It is the policy of Harbor-UCLA Medical Center to obtain an individual's Authorization for any Use or Disclosure of Protected Health Information (PHI) for the purpose of fundraising, **unless** Harbor-UCLA Medical Center limits its Fundraising activities as provided by this Policy and Procedure.

**DEFINITIONS:**

**Authorization:** means the signed Authorization language used by Harbor-UCLA Medical Center to obtain an individual's permission prior-to Using or Disclosing that individual's PHI for purposes that do not fall within the definitions of Treatment, Payment or Health Care Operations activities and other purposes that do not require the individual's permission.

**Disclose or Disclosure:** means, with respect to PHI, the release of, transfer of, provision of access to or divulging in any manner of PHI outside of Harbor-UCLA Medical Center's internal operations or to other than its Workforce Members.

**Protected Health Information (PHI):** means individually identifiable information relating to past, present or future physical or mental health or condition of an individual, provision of health care to an individual, or the past, present or future payment for health care provided to an individual.

**Fundraising:** means any communication for raising funds for the benefit of Harbor-UCLA Medical Center.

**Opt out:** means to choose not to participate.

**Use or Uses:** means, with respect to PHI, the sharing, employment, application, utilization, examination or analysis of such information within Harbor-UCLA Medical Center's internal operations.

**EFFECTIVE DATE:** 04/14/03

**SUPERSEDES:**

**REVISED:**

**REVIEWED:** 12/08, 03/14, 07/17

**REVIEWED COMMITTEE:** N/A

**APPROVED BY:**

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Kim McKenzie, RN, MSN, CPHQ  
Chief Executive Officer

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Anish Mahajan, MD  
Chief Medical Officer

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Patricia Soltero Sanchez, RN, BSN, MAOM  
Chief Nursing Officer

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**PROCEDURE:**

- A. Except as provided in section 2 below, Harbor-UCLA Medical Center cannot conduct Fundraising activities that involve Use or Disclosure of PHI without an individual's Authorization.
- B. Notwithstanding the above, Harbor-UCLA Medical Center may conduct Fundraising activities using or disclosing PHI, provided that Harbor-UCLA Medical Center:
  - 1. Limits PHI Used or Disclosed about an individual receiving fundraising communications to:
    - a. Demographic information (e.g., name, street address, email address, telephone number, age, gender, ethnicity, marital status); and
    - b. Dates health care provided to that individual.
  - 2. Includes in its Notice of Privacy Practices that Harbor-UCLA Medical Center may contact the individual to raise funds for itself;
  - 3. Describes in Fundraising communications how to opt out of receiving such communications in the future; and
  - 4. Makes reasonable efforts to prevent Fundraising communications from being sent to those who opted out.
    - a. If a patient chooses to “opt out” of receiving fundraising communications, the facility will acknowledge the patient’s request by documenting the patient’s request to opt out in the hospital information system (HIS).
- C. Harbor-UCLA Medical Center may, without Authorization, disclose the limited PHI, as described in section 2(A) above, to:
  - 1. Its Business Associate to raise funds for Harbor-UCLA Medical Center; and
  - 2. Its institutionally related foundation, as defined by Section 501(c)(3) of the Internal Revenue Code, which has an explicit link to Harbor-UCLA Medical Center in its charter statement of charitable purposes. Organizations with general charitable purposes (e.g., American Cancer Association) are not foundations that are institutionally related to the Hospital.
- D. Documentation Retention: Documentation required or completed under this policy shall be retained for at least six years from the date of creation or the date when it was last in effect, whichever is later.

**REFERENCES:**

- 1. Code of Federal Regulations 45 part 160: Section 164.514(f) “Other Requirements Relating to Uses and Disclosure of Protected Health Information – Uses & Disclosures of PHI for Fundraising”.