

Office of Compliance Programs

PRIVACY POLICY AND PROCEDURES

LSU Health Sciences Center New Orleans

Date Effective: April 14, 2003

Policy #: 2100.23

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Patient Information Policy

Use and Disclosure of an Individual's Protected Health Information for Fundraising

SCOPE:

All Louisiana State University (LSU) System health care facilities and providers including, but not limited to hospitals, physician practices, clinics, schools, etc. on the LSU Health Sciences Center New Orleans Academic Campus.

Note Bene: All LSU System health care facilities and providers including, but not limited to hospitals, physician clinics, schools, etc. on the LSU Health Sciences Center New Orleans Academic Campus, are referred to in this policy as LSUHSC-NO.

PURPOSE:

To provide guidance to the health care facilities and providers affiliated with LSUHSC-NO on the use or disclosure of an individual's Protected Health Information for fundraising purposes.

POLICY:

All LSUHSC-NO health care facilities and providers may use or disclose an individual's Protected Health Information for fundraising purposes as described in this policy.

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.

For the purposes of the definition of "Designated Record Set":

- The term "record" means any item, collection, or grouping of information that includes PHI and is maintained, collected, used or disseminated by or for LSUHSC-NO.
- The term "record" also includes patient information originated by another health care provider and used by LSUHSC-NO to make decisions about a patient.
- The term "record" includes tracings, photographs, and videotapes, digital and other images that may be recorded to document care of the patient.

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Designated Record Set – is a group of records maintained by or for LSUHSC-NO that is:

- The medical records and billing records about individuals maintained by or for LSUHSC-NO; or
- Any records used, in whole or part, by or for LSUHSC-NO to make decisions about individuals.
- Any record that meets this definition of Designated Record Set and which are held by a HIPAA Business Associate of LSUHSC-NO are part of LSUHSC-NO's Designated Record Set.

Director of Information Services – Person designated by the facilities and clinics with the responsibility for disseminating information to the general public regarding the activities of LSUHSC-NO and for determining, with input from the Privacy Officer, HIPAA-appropriate fundraising activities. The Director of Information Services or his/her designee is responsible for obtaining patient authorizations when required by HIPAA.

PROCEDURE:

- 1.0 LSUHSC-NO 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: (1) Demographic information relating to an individual; and (2) Dates of health care provided to an individual.
- 1.1 The facility 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, LSUHSC-NO 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 place within the hospital where the patient receives treatment, such as Department of Psychiatry, Department of Obstetrics, or Department of Radiation Oncology; or
 - other non-demographic information for fundraising purposes. (See HIPAA Policy on Authorization)
- 1.3 The facility may filter patient names for targeted or other fundraising purposes based upon the demographic information.
- 1.4 The Notice of Privacy Practices of LSUHSC-NO must include a statement that LSUHSC-NO may contact the individual to raise funds for LSUHSC-NO.
- 2.0 Request to Opt Out of Receiving Further Communications
- 2.1 The facility fundraising communications must include a statement describing how the patient can opt out of receiving future fundraising communications and stating that the facility will take reasonable efforts to ensure the patient does not receive future fundraising communications.

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2.2 Use the following statement as opt out language for fundraising:

“Please write us at our address if you wish to have your name removed from the list of persons who will receive requests for fundraising to support LSUHSC-NO in the future. In the event you contact us with a request not to be sent fundraising communications, all reasonable efforts will be taken to ensure you will not receive any such communications from us in the future.”

2.3 The facility 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 facility 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 The facility must designate appropriate personnel who are responsible for reviewing and approving all fundraising communications using PHI.
- 4.2 The facility must designate appropriate personnel who are responsible for receiving and processing patient requests to opt out of receiving further fundraising communications.
- 4.3 The facility 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.

REFERENCE:

45 C.F.R. § 164.514(f)