
SUBJECT: FUNDRAISING

GENERAL STANDARD (PRIVACY RULE SECTION 164.514(f)):

AHS health care providers and health plans are required to obtain an authorization from an individual before using or disclosing the individual's PHI for fundraising, except that AHS may use and disclose, for its own fundraising, an individual's demographic information and the dates of care provided to the individual. An AHS health care provider or health plan will only use or disclose such demographic information and dates of care provided for fundraising if the provider or plan includes a statement in its Notice of Privacy Practices that it may contact individuals to raise funds for its own benefit.

PRIVACY RULE:

I. PHI Used and Disclosed For Fundraising

- A. A CE may use itself, or disclose to a BA or to an institutionally related foundation, the following PHI for the purpose of raising funds for its own benefit, without an authorization:
 - 1. Demographic information relating to an individual; and
 - 2. Dates of health care provided to an individual.
- B. A CE must obtain an authorization before the use or disclosure of PHI for any other fundraising activities.

II. Fundraising Requirements

- A. The CE may only use or disclose PHI for fundraising activities as noted above if it has included a statement in its Notice of Privacy Practices indicating that the CE may contact individuals to raise funds for its own benefit.
 - B. The CE must include in any fundraising materials it sends to an individual a description of how the individual may opt out of receiving any further fundraising communications.
 - C. The CE must make reasonable efforts to ensure that individuals who decide to opt out of receiving future fundraising communications are not sent such communications.
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GUIDELINES:

1. It does not appear that any AHS health care providers or health plans engage in any fundraising activities, with the possible exception of the Vermont Veterans Home (the “Home”). However, even as it concerns the Home, its fundraising efforts in the past have not utilized any patient information – e.g., it has not accessed patient lists to send fundraising materials directly to patients. Rather, the Home has generally solicited funds directly from organizations (e.g., a Veterans organization) without using or disclosing any patient identifiable information.
2. These guidelines are to be followed in the unlikely event that an AHS health care provider or health plan considers engaging in fundraising activities.
3. AHS will not disclose any PHI for the fundraising efforts of any third party, including any other State of Vermont agency, or any of the divisions, departments, or offices that comprise that agency.
4. An AHS health care provider or health plan will not “filter” patient/beneficiary lists based upon treatment, illness or condition to conduct fundraising. More specifically, an AHS health care provider or health plan will not direct fundraising communications to any specific patients/beneficiaries, based on the treatment, illness or condition of those persons.
5. An AHS health care provider or health plan may use the following information in its own fundraising efforts (or may disclose this information to a Business Associate, but only for fundraising on behalf of the health care provider or health plan):
 - A. Name, address and other contact information, age, gender, and insurance status.
 - B. Time period within which service was provided.
6. Each AHS health care provider and health plan will include in the fundraising materials it sends a description on how an individual can opt-out of receiving any further fundraising communications. More specifically, each health care provider and health plan will include the following language in a prominent location of the fundraising materials it sends:

If you would like to be removed from future fundraising communications from our organization, please indicate your wishes by placing your initials on the line provided below and returning this letter to the following address for processing: [insert department and address]. Please note that it will take approximately four to six weeks to process your request.
7. AHS will make reasonable efforts to ensure that individuals who decide to opt-out of receiving future communications are not sent such communications. More specifically, a database will be maintained of those individuals who have opted-out of receiving such communications. The database will be checked before any mailing to ensure no materials are sent to those who have opted-out.