

 HAWAII HEALTH SYSTEMS C O R P O R A T I O N "Quality Healthcare For All" POLICY	Department: Quality Through Compliance	Policy No.: CMP 055A
	Issued by: Audit and Compliance Committee	Revision No.:
Subject: Fundraising Communications	Approved by:  HHSC Board of Directors By: Carol A. VanCamp Its: Secretary/Treasurer	Effective Date: September 19, 2013
		Supersedes Policy: Page: 1 of 2

Last Reviewed: August 26, 2013. Next Review: August 26, 2016

I. **PURPOSE:** This Policy delineates the uses, disclosures, and implementation specifications for fundraising by Hawaii Health Systems Corporation (HHSC) facilities.

II. **DEFINITIONS:**

Fundraising - Activities or communications for the purpose of raising funds for the benefit of one or more HHSC facilities or the corporation to support operations, research or other covered functions. Fundraising activities are part of health care operations under HIPAA.

III. **POLICY:**

- A. HHSC shall not use or disclose protected health information for fundraising purposes unless a statement regarding fundraising and advising of the right to opt out of fundraising communications, pursuant to CMP 028A, is included in the HHSC Notice of Privacy Practices provided to the patient.
- B. Subject to Section A., HHSC or one or more HHSC facilities may use or disclose to a business associate or to an institutionally related foundation, the following protected health information for the purpose of raising funds for its own benefit, without an authorization meeting the requirements of 45 CFR §164.508:
 - 1. Demographic information relating to an individual including name, address, other contact information, age, gender, and date of birth;
 - 2. Dates of health care provided to an individual;
 - 3. Department of service information;
 - 4. Treating physician
 - 5. Outcome information, and;
 - 6. Health insurance status.
- C. With each fundraising communication made to an individual under this policy, HHSC must provide the individual with a clear and conspicuous opportunity to elect not to receive any further fundraising communications. The method for an individual to elect not to receive further fundraising communications may not cause the individual to incur an undue burden or more than a nominal cost.

- D. HHSC may not condition treatment or payment on the individual's choice with respect to the receipt of fundraising communications.
 - E. HHSC may not make fundraising communications to an individual where the individual has elected not to receive such communications under III.C., above.
 - F. HHSC may provide an individual who has elected not to receive further fundraising communications with a method to opt back into receive such communications.
 - G. HHSC shall have Business Associate Agreements in place with fundraising vendors or consultants whose direct contractual relationships are with Institutionally Related Foundations rather than HHSC, if such vendors or consultants will have access to HHSC PHI pursuant to this policy.
 - H. HHSC Facilities shall adopt policies and procedures as necessary to implement this Policy.
- IV. **APPLICABILITY:** This Policy applies to all HHSC facilities.
- V. **AUTHORITY:** Standards for Privacy of Individually Identifiable Health Information (HIPAA) CFR 45, Subtitle A, Subchapter C, Section 164.514(f) and 164.501.
- VI. **ATTACHMENTS:** None.