

POLICY TITLE: Patient Solicitation Policy	ADMINISTRATIVE POLICY AND PROCEDURE MANUAL
POLICY #: 100.80	CATEGORY: Northwell Health Foundation
System Approval Date: 4/28/16	Effective Date: 6/10
Site Implementation Date:	Last Reviewed/Approved: 4/16
Prepared by: Northwell Health Foundation Corporate Compliance	Superseded Policy(s)/#: N/A

GENERAL STATEMENT of PURPOSE

This policy is to set forth requirements for the solicitation and cultivation of grateful patients.

POLICY

Fundraising activities involving the use or disclosure of a patient’s Protected Health Information (“PHI”) may only be conducted after being approved by authorized Northwell Health Foundation (“Foundation”) staff which will ensure that all requirements for the access, use and disclosure of PHI have been met. Any documentation including PHI should not be accessed, used or disclosed before this approval has been obtained.

SCOPE

This policy applies to all members of the Northwell Health workforce including, but not limited to: employees, medical staff, volunteers, students, physician office staff, and other persons performing work for or at Northwell Health; faculty and students of the Hofstra Northwell School of Medicine conducting Research on behalf of the School of Medicine on or at any Northwell Health facility; and the faculty and students of the Hofstra Northwell School of Graduate Nursing & Physician Assistant Studies.

DEFINITIONS

Protected Health Information or “PHI”: Any oral, written or electronic individually identifiable health information collected or stored by a facility. Individually identifiable health information includes demographic information and any information that relates to the past, present or future physical or mental condition of an individual. The Health Insurance Portability and Accountability Act (“HIPAA”) details eighteen items that render PHI identifiable:

1. Names;
2. Geographic subdivisions smaller than a state, including street address, city, county,

- precinct, zip code, and their equivalent geocodes, except for the initial three digits of a zip code in certain situations;
3. All elements of date (except year) for dates directly related to an individual, including birth date, discharge date, date of death; and all ages over 89 and all elements of dates indicative of such age, except that such ages and elements may be aggregated into a single category of age 90 or older;
 4. Telephone numbers;
 5. Fax numbers;
 6. Electronic mail addresses;
 7. Social security numbers;
 8. Medical record numbers;
 9. Health plan beneficiary numbers;
 10. Account numbers;
 11. Certificate/license numbers;
 12. Vehicle identifiers and serial numbers;
 13. Medical Device Identifiers;
 14. Web Universal Resource Locators (URLs);
 15. Internet Protocol (IP) address numbers;
 16. Biometric identifiers, including finger and voice prints;
 17. Full face photographic images and any comparable images; and
 18. Any other unique identifying number, characteristic, or code.

Business Associate (BA): A person or entity that performs certain functions or activities, or provides services that creates, receives, maintains or transmits PHI on behalf of, or provides services to the Northwell Health and is an external person or entity.

Examples of BA functions or activities can include, but are not limited to: claims processing or administration, data analysis, utilization review, quality assurance, billing, benefit management, practice management, and software hosting of PHI. Examples of BA services include: legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, and financial.

If you have any questions regarding whether a person or entity's function qualifies as a BA, contact the Office of Procurement.

PROCEDURE/GUIDELINES

1. Fundraising activities include any activities undertaken to solicit contributions of money or other things of value on behalf of the Northwell Health, whether undertaken by Northwell Health (including its medical staff), by the Foundation, or by another person or organization acting as a Business Associate of the Northwell Health or the Foundation. Examples of fundraising activities include:
 - Requests for general donations
 - Requests for special-purpose donations (for example, to benefit cancer research or to remodel a reception area)
 - Requests for sponsorship of hospital events or activities;

- Auctions, rummage sales, etc.
2. This policy applies to fundraising activities that involve access to, or the use or disclosure of, PHI. Donation requests directed to patients or former patients would involve the use of PHI, while fundraising activities directed to the general public would not, even if some members of the general public happened to be patients or former patients, unless the contact with the patient were to be based upon information obtained from any Northwell Health facility's records.
 3. All fundraising activities must be approved by the Foundation. To obtain approval of fundraising activities for the Northwell Health, please contact the Foundation at (516) 465-2550 and speak with the Vice President, Operations.
 4. Authorized fundraising staff of the Northwell Health or the Foundation may use the following limited information about a patient to raise funds or solicit donations for the benefit of Northwell Health – unless the patient has been self-identified by making a donation in support of a specific program or capital need, or a disclosure form has been signed by the patient (See Paragraph 8):
 - Demographic information (name, address, other contact information, age, gender and date of birth);
 - Dates of health care provided to an individual;
 - Department of service information (general department of treatment – e.g., cardiology, pediatrics, etc.);
 - Treating physician;
 - Outcome information (including death or sub-optimal treatment); and
 - Health insurance status.
 5. When the PHI listed in Paragraph 4 is used for fundraising purposes, Northwell Health or Foundation staff member making each fundraising communication, including each phone call, must clearly and conspicuously inform the individual that the individual may “opt-out,” i.e. elect to not receive further fundraising communications, and must explain how the individual may do this. In order to elect to not receive further fundraising communications, an individual may be required to check off an “opt-out” box (see Appendix A for sample written communication containing “opt-out” box at bottom of last page), or may be required to call 1- 855-621-2844 and leave a voicemail message giving his or her name and address, and communicating his or her wish to no longer receive fundraising communications. A failure to provide the individual's address will prevent the “opt-out” from taking effect.
 6. Any opt-out requests received should be forwarded to the Vice President, Operations of the Foundation. The Foundation will then be responsible for removing the patient from any future mailing lists, and documenting the opt-out.
 7. A patient who elects not to receive further fundraising communications shall be provided with the opportunity to elect to resume receiving fundraising communications. In order to do this, an individual must call 1- 855-621-2844 and leave a voicemail message giving his

or her name and address, and communicating his or her wish to resume receiving fundraising communications. A failure to provide the individual's address will prevent the "opt back in" from taking effect.

8. Any other use or disclosure of a patient's PHI for fundraising purposes that is not described in Paragraph 4 requires the patient's individual authorization on the Northwell Health-approved "Authorization to Use and Disclose Information for Fundraising Purposes" form. For example, an authorization is required if:
 - patient information in addition to the patient's name, address and other contact information, age, gender, insurance status and dates of treatment is used or disclosed, such as information about diagnosis, treatment, or healthcare service is provided
 - patient information of any kind is used by, or disclosed to, individuals or entities other than medical staff, hospital staff, Foundation staff or business associates undertaking fundraising activities for the hospital
 - the purpose of the fundraising effort is to raise money or other things of value for the benefit of an organization other than the hospital or Northwell Health. For example, a patient's authorization must be obtained before using the patient's PHI to solicit funds for an outside nonprofit organization that engages in research, education, and awareness efforts about a particular disease
9. When meeting with a physician about a potential donor, Foundation staff should limit discussions to the information permitted by this policy.
10. No "opt out" box or "opt out" mechanism is needed on solicitation or event mailings that are generated from the Foundation's "Raiser's Edge" database since no PHI is included in the database or used to generate the list. An "opt out" box or "opt out" mechanism is required whenever PHI is used to generate, or is one of the criteria for generating, a mailing list. Should the Foundation change its policy and begin entering PHI on Raiser's Edge then an "opt out" box or "opt out" mechanism must be included.

Training

The Office of Corporate Compliance will provide training on HIPAA on an annual basis.

Sanctions

In compliance with the HIPAA Privacy Rule, violations of this policy will be subject to disciplinary action as outlined in the Human Resources Policy and Procedure Manual and in the Bylaws, Rules and Regulations of the Medical Staff.

Document Retention

Any documentation generated in compliance with this policy will be retained for a minimum of 6 years from the date of its creation.

REFERENCES to REGULATIONS and/or OTHER RELATED POLICIES

Final HIPAA Omnibus Rule (78 Fed. Reg. 5566)
Health Insurance Portability and Accountability Act, 45 CFR Parts 160-164
Northwell Health Policy # 100.97-Record Retention and Destruction Policy

CLINICAL REFERENCES

N/A

ATTACHMENTS

N/A

FORMS

N/A

<u>APPROVAL:</u>	
System Administrative P&P Committee	4/28/16
System PICG/Clinical Operations Committee	8/15/13

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