

## VNS HEALTH CORPORATE POLICY & PROCEDURE

**TITLE:** HIPAA Fundraising Policy and Procedure

**APPLIES TO:** VNS Health Home Care, including the Home Care, and Care Management Organization (CMO) divisions;  
VNS Health Behavioral Health, Inc.;  
VNS Health Personal Care;  
VNS Health Health Plans;  
VNS Health Hospice Care; and  
Medical Care at Home, P.C. (collectively, "VNS Health")

**POLICY OWNER:** Corporate Compliance Department

**FIRST ISSUED:** August 9, 2005

**NUMBER:** HIPAA.9

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The purpose of this Policy and Procedure is to ensure that VNS Health is in compliance with HIPAA's requirements regarding fundraising. VNS Health's goal is to safeguard the confidentiality and integrity of patient and/or member information and to protect against the unauthorized access, disclosure, or release of such information.

HIPAA has specific rules about when VNS Health can use patient and/or member information for fundraising. When using such information for fundraising, VNS Health will take the following steps:

**A. Step One: Determine Whether Fundraising Can Occur Without an Authorization.**

Patient and/or member information can be used for fundraising activity, without an authorization, so long as the following criteria are met:

1. VNS Health's Joint Notice of Privacy Practices must include a statement in the body of the notice that VNS Health may contact the individual to raise funds for VNS Health and that the individual has a right to opt out of receiving such communications.
2. The patient/member information used is limited to the patient/member's demographic information (i.e., the patient's and/or member's name, address, contact information, age, gender and date of birth), dates of service, department of service information, treating physician, outcome information, and health insurance status.
3. The fundraising activity must be intended to solely benefit VNS Health.

4. The patient information must be used directly by VNS Health or, on behalf of VNS Health, by a:

- (a) Business Associate of VNS Health, or
- (b) Foundation that has in its charter statement of charitable purposes an explicit linkage to VNS Health, for raising funds for VNS Health.

5. VNS Health must include in each fundraising communication a clear and conspicuous description of how the patient or member may opt-out of receiving any further fundraising communications. The method for the patient or member to opt-out must not cause an undue burden or involve more than a nominal cost. Acceptable opt-out procedures includes having the patient/member contact a toll-free number or email address. Requiring a patient or member to write and send a letter to VNS Health is an unacceptable opt out procedure.

- (a) Fundraising communications include: Initial mailings to patients/member for fundraising and any subsequent/renewal mailing requests; or a donor newsletter or other communication that has a “call to action”, information on how to make a donation, or an envelope for patients/members to send in a donation.
- (b) Fundraising communications do not include: fundraising materials included in admission packages if no PHI was used to determine who gets the information; Gala Invitations; a donor newsletter or other communication that does not have a “call to action”; information on how to donate, or an envelope for patients and/or members to send in a donation.

6. VNS Health has procedures to ensure that individuals who decide to opt-out of receiving future fundraising communications are not sent such communications. Notwithstanding the foregoing, VNS Health may institute a policy and procedure that allows individuals who have previously opted-out from receiving fundraising communications to opt back in to receiving such communications.

7. VNS Health may not condition treatment or payment on a patient’s and/or member’s choice with respect to receiving fundraising communications or making donations.

**B. Step Two: If Necessary, Obtain a HIPAA Authorization From the Patient.**

For fundraising communications that do not fit the criteria set forth in Step One, VNS Health must obtain the patient’s and/or member’s written HIPAA authorization prior to using the patient’s and/or member’s health information in a fundraising communication.

**REFERENCES: 45 CFR 164.501, 45 CFR 164.514(f)**

<b>Reviewed:</b>	11/2007	9/2013	1/2015	11/2016	4/2018	11/2019
<b>Revised &amp; Approved:</b>	11/2007	9/2013		11/2016	1/2019	1/2020
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