

	Ethics & Compliance Department	
	Policy No.: 21	Created: 01/2018
		Reviewed: 09/2024
	Revised:	

HIPAA: FUNDRAISING

SCOPE:

All Envision Healthcare teammates. For purposes of this policy, all references to “teammate” or “teammates” include temporary, part-time and full-time employees, independent contractors, clinicians, officers and directors.

PURPOSE:

Envision Healthcare Operating, Inc. and its subsidiaries and affiliates (“Envision” or “the Company”) has adopted this Fundraising Policy in order to ensure compliance with all applicable federal or state laws and HIPAA regulations related to all fundraising activities.

POLICY:

Fundraising is defined as a communication by or on behalf of a Covered Entity or a business associate on behalf of the Covered Entity for the purpose of raising funds for the Covered Entity, including donations, appeals, or sponsorship of events, but not royalties or remittances for sale of products. Fundraising communication is a solicitation for funds and can be in writing or oral. An acknowledgement or thank you letter for receipt of a donation or update of current development project without request for additional donation would NOT be a fundraising communication. An event invitation that includes a request for a donation to attend an event, would be a fundraising communication. This policy applies to the use or disclosure of protected health information (“PHI”) for fundraising. *Non-PHI* sources such as purchased mailing list, alumnus or employee information, or direct contact initiated by a potential donor are *not* subject to this policy. This policy includes all fundraising activities that take place within any department of the Company or on behalf of the Company.

After obtaining a patient authorization to use PHI for fundraising activities, the following PHI is permitted:

- A) Patient demographics including name, address, contact information including phone number and email address, age, gender, and date of birth;
- B) Dates of service;
- C) Department of service (meaning information about general department of treatment, such as cardiology or oncology, that do not indicate a more specific type of diagnosis, nature of services or treatment received by the patient);
- D) Treating physician name;

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- E) Outcome information (such as death or other sub-optimal results and may only be used to screen or exclude patient families from receiving fundraising communications); and,
- F) Health insurance status (not defined in the Privacy Rule, but interpreted to mean whether patient is insured and type of insurance).

Opt-Out Requirements

Any communication, whether verbal or written, that involves a solicitation constitutes a “fundraising” communication and must contain language describing how the individual may opt out of future solicitations. “Opt-out” requirements must be clear and conspicuous and not impose an undue burden. The Company must provide “clear and conspicuous opportunity” to the patient to opt-out of future fundraising communications. If the patient opts out, it must be treated as a revocation of any prior authorization for use or disclosure of PHI for fundraising communications. The method for a patient to opt out must not impose an undue burden or more than a nominal cost on the patient. The Company should consider offering a toll-free number, an e-mail address, a web page, or similar opt-out mechanisms that are simple, quick, and low or no cost to the patient. Requiring a patient to send a written letter opting out of fundraising communications would constitute an undue burden, although including a mailing of a pre-printed, pre-paid, business reply postcard or directing a patient to an opt-out on a web page would be permitted.

The Company may permit general opt-out for all future communications, or to a particular fundraising campaign. Once implemented, however, the Company must not send such further fundraising communications. The Company may, at its discretion, allow patients to actively opt back in to receiving fundraising communications should the patient later change their mind.

The Company may not condition treatment or payment on the individual’s choice with respect to the receipt of fundraising communications.

Educational Events Co-Sponsored with a Third Party

The Company may offer educational or awareness campaigns co-sponsored by a third party (e.g., American Heart Association) or include speakers or information from such third parties. The Company, however, is prohibited from sharing PHI with the third party or permitting the third party to use a Company’s patient mailing list or Permitted Fundraising PHI to send co-sponsored fundraising solicitations. The Company should not include third party fundraising information within the event’s communications, e.g., invitation, brochure, or similar communication tools. At the event, the third party may invite patients to provide their contact information in writing, such as a sign-up log, that clearly identifies the third party’s request to contact the patients attending the event, including the possibility that they will be contacted for the third party’s own fundraising efforts. No fundraising related to the third party should occur at the event.

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Documentation of Patient Authorization

A copy of the patient authorization agreeing to receive fundraising information will be given to the patient and the Company/Department will keep a copy for six (6) years in the medical record or billing record.

POLICY REVIEW

The Ethics & Compliance Department will review and update this Policy, when necessary, in the normal course of its review of the Company’s Ethics & Compliance Program.