

501(c)(3) Legal Dos and Don'ts

Please make a note of the following guidelines regarding nonprofit 501(c)(3) hospital participation in CHPAC fundraising efforts.

Private/nonprofit 501(c)(3) hospitals cannot actively solicit CHPAC contributions from their employees using hospital resources. However, hospital administrators of private/nonprofit hospitals can participate in CHPAC fundraising activities as individuals. Note: Public hospitals operate under stricter rules, especially regarding use of public property. Please see chart rules in the CHPAC Campaign Coordinator Kit for more information.

Dos

The hospital CEO and other leadership may participate in the CHPAC fundraising drive and activities by:

1. Making personal contributions.
2. Informing the hospital board of directors, medical staff and administrative/management staff during non-business hours, and using personal phone or e-mail, that CHPAC is worthy of their support. CHPAC materials may be distributed at this time.
3. Distributing CHPAC materials by mail using CHPAC letterhead, envelopes and postage (available through the CHPAC office).
4. Attending CHPAC-sponsored activities and events during personal time.

Don'ts

1. Do not use hospital e-mail, phone systems, time, supplies, letterhead or stationery. Always use personal or CHPAC stationery, personal cell or home phones, and personal e-mails.
2. Do not use hospital facilities, except to the extent that other private organizations have access to similar use. For example, if a room at the hospital is available for public use, it is permissible to hold a CHPAC meeting in that room, but not during employees' work hours.
3. CHPAC participation either as a coordinator or a donor is completely voluntary. Do not make CHPAC participation part of an individual's job responsibilities, and do not suggest that CHPAC contributions are tied to performance evaluations or responsibilities.
4. Do not make CHPAC solicitations an agenda item for official staff meetings or other hospital functions.
5. Keep the lines clear between actions taken as a 501(c)(3) hospital leader, and CHPAC activities. They must be completely separate.

Remember

1. All CHPAC contributions must be voluntary and 501(c)(3) resources may not be used for or on behalf of CHPAC.
2. Leaders of 501(c)(3) hospitals must be clear that they are soliciting on behalf of CHPAC in their personal capacity not as the leader of the hospital.
3. Individual hospital employees may actively participate in soliciting CHPAC funds on their own non-work time, off the hospitals' premises. Written communication on CHPAC or personal stationery is also permitted as long as no hospital resources are used.
4. Hospitals may permit CHPAC to host informational meetings in public rooms on the same basis as it allows other public meetings, as long as it is not during work hours.

Note

While the hospital itself may not encourage CHPAC participation, the hospital does not have to discourage CHPAC activity, as long as all activity is carried out by individuals, on their own time, using their own resources.

Private nonprofit hospitals are permitted to engage in legislative advocacy (including initiative measures) subject to dollar limits set by the Internal Revenue Service, but may not support or oppose political candidates. As individuals, hospital employees are free to donate to candidates or political action committees (such as CHPAC) of their choice.