

HIPAA Privacy – Marketing and PHI

AD.HP20

POLICY:

When marketing communications involve the use or disclosure of an individual's protected health information (PHI) to encourage recipients to use or purchase products or services, an authorization from the individual is obtained as required by Federal regulations.

Definitions:

Marketing: *A communication about a product or service that encourages recipients of the communication to purchase the product or service.*

Financial remuneration: *Direct or indirect payment from or on behalf of a third party whose product or service is being marketed.*

PROCEDURE:

1. Marketing communications are examined to determine if PHI is used or disclosed.
2. For marketing communications that involve the use or disclosure of PHI for which the hospice is receiving financial remuneration from a third party, an authorization from the patient is obtained unless the marketing communication:
 - a. Takes place during a face to face encounter; or
 - b. Involves products or services of nominal value.
3. Marketing communications do not include the following communications provided no financial remuneration is received for making the communication:
 - a. About the participating providers and health plans in a network, the services offered by the providers, or the benefits covered by a health plan;
 - b. About the individual's treatment; or
 - c. Involve case management or care coordination of the individual, or directions or recommendations for alternative therapies or treatments, providers or settings of care.

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