



	<u>Effective Date</u>		
	July 2007		
	<u>Number</u> HP 013	<u>Replaces Policy</u> NEW	
<u>Title</u> Marketing Under HIPAA Privacy Standards	<u>Date Revised</u> July 2007	<u>Date Reviewed</u>	<u>Next Scheduled Review Date</u> July 2010
<u>Signature</u> _____	<u>Scope of Responsibility</u> HIPAA/Compliance		
Chief Privacy Officer			

Purpose: To facilitate compliance with requirements of the Health Insurance Portability and Accountability Act (HIPAA) Standards for Privacy of Individually Identifiable Health Information (Privacy Standards), 45 CFR Part 164 and the sections that relate to uses and disclosures of Protected Health Information (PHI) for marketing purposes.

Policy:

A patient authorization is required and must be obtained for any uses or disclosures of PHI for purposes of marketing under the HIPAA Privacy Standards.

Definitions:

Marketing

1. An arrangement between IMH and any other entity whereby IMH discloses PHI to the other entity, in exchange for direct or indirect remuneration, for the other entity or its affiliate to make a communication about its own product or service that encourages recipients of the communication to purchase or use that product or service, or
2. To make a communication about a product or service that encourages recipients of the communication to purchase or use the product or service.

Protected Health Information (PHI)

For the purpose of this policy, **protected health information** means any individually identifiable health information collected or stored by IMH.

Individually identifiable health information includes demographic information and any information that relates to past, present or future physical or mental condition of an individual.

Policy:

Policy Number:

Procedure:

2. IMH Admitting must notify each patient of his or her right to opt out of being listed in any marketing list. To invoke this right, the patient will need to request to opt out. When a patient opts out, IMH must suppress any listing of that person to any marketing.
3. Authorization must be obtained from a patient for any use or disclosure of PHI for marketing, except for communication in the form of:
 - a. A face-to-face communication made by a member of the IMH workforce to an individual; or
 - b. A promotional gift (e.g., infant formula) of nominal value provided by IMH.
4. If the marketing involves direct or indirect remuneration to the facility from a third party, the authorization must state that such remuneration is involved.
5. All documentation for marketing must be kept for a minimum of 4 years.