

## **Disclosure of PHI Through Marketing Activities**

### **HIPAA Policy: Privacy 05**

**Summary:** Limits the scope of marketing communications to patients.

**Affected Individuals:** Staff at HIPAA Covered Entities

#### **1.0 PURPOSE**

To protect patient privacy rights regarding marketing activities and to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Regulations and the Health Information Technology for Economic and Clinical Health (HITECH) Act.

#### **2.0 SCOPE**

The UM Disclosure of Protected Health Information (PHI) through Marketing Activities Policy applies to any UM employee who discloses PHI for marketing activities.

#### **3.1 STANDARDS**

Marketing communications to patients in the absence of the patient's written authorization is prohibited. The following exceptions apply:

- 1) UM receives no compensation for the communication;
- 2) The communication is face-to-face;
- 3) The communication is to provide refill reminders or other communication involving a drug or biologic the patient is currently being prescribed and the payment is limited to reasonable reimbursement of the costs of the communication (no profit);
- 4) The communication is via newsletters, mailings or other means regarding treatment options, health related information, disease-management programs, wellness programs, or other community-based initiatives or activities in which UM is participating.

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- 5) The communication involves general health promotion, rather than the promotion of a specific product or service; or
- 6) The communication involves government or government-sponsored programs.

**4.0 CONTACT INFORMATION**

For questions about the UM Disclosure of PHI through Marketing Activities Policy or for more information, call the Office of General Counsel at 662-915-7014.