PURPOSE:
The purpose of this policy is to provide guidelines for using and disclosing Protected Health Information (“PHI”) for Marketing purposes.

POLICY:
It is the policy of Health Quest and its affiliates (“HQ”) to obtain a valid written authorization for the use, access or disclosure of PHI for purposes of marketing, unless the marketing communication is in the form of a face-to-face communication made by the HQ entity to the patient or a promotional gift of nominal value provided by the HQ entity. This policy applies to uses, access and disclosures made for marketing activities performed by an HQ entity or by a Business Associate on behalf of HQ, as well as uses, access and disclosures made in connection with the marketing activities of a third party. HQ follows the definitions and is in compliance with the HIPAA Privacy Rule of the Administrative Simplification provisions of HIPAA.

DEFINITIONS:

A. Definition of Marketing

1. To make a communication about a product or service that encourages recipients of the communication to purchase or use the product or service, unless the communication is made:

   a. To provide refill reminders or otherwise communicate about a drug or biologic that is currently prescribed to the individual, but only if any financial remuneration received by HQ in exchange for making the communication is reasonably related to HQ’s cost of making the communication;

   b. By the HQ entity to describe health related products or services provided by the HQ entity, unless financial remuneration is received by HQ in exchange for making such communication;

   c. For treatment of the individual, unless financial remuneration is received by HQ in exchange for making such communication; or
d. For case management/care coordination or to direct or recommend alternative treatments, therapies, healthcare providers, or settings of care to an individual, unless financial remuneration is received by HQ in exchange for making such communication.

2. An arrangement between the HQ entity and any other non-HQ entity whereby the HQ entity 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 to purchase or use that product or service.

RESPONSIBILITY:
All workforce members and individuals whose responsibilities are affected by this policy are expected to be familiar with the basic procedures and responsibilities created by this policy.

ENFORCEMENT:
Failure to comply with this policy and related procedures will result in appropriate remedial and/or disciplinary actions, up to and including termination of any employment or other relationship.

REFERENCES: 45 CFR, Parts 160 and 164
45 CFR 164.501
45 CFR 164.508(a)(3)
HITECH Act

POLICY HISTORY:
Supersedes: 2/27/14
Original Implementation Date: 2/27/14
Date Reviewed: 3/13/19, 3/24/20
Date Revised: 3/13/19, 3/24/20

APPROVAL:

W.A. McNulty by ____________________________ 3.31.20
Policy Owner Date