



Policy and Procedure: HIPAA/HITECH Compliance

Topic: Marketing

HIPAA Regulation:

Marketing

§ 164.501

§ 164.508(a)(3)

Policy Purpose:

The purpose of this policy is to ensure that Saratoga Bridges is in compliance with HIPAA's requirements regarding marketing.

Policy Description:

It is the policy of Saratoga Bridges to safeguard the confidentiality and integrity of Protected Health Information (PHI) and to protect against the unauthorized access to, or release of such information.

It is also the policy of Saratoga Bridges to ensure compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) requirements regarding marketing. HIPAA prohibits the use or disclosure of an individual's PHI for marketing purposes unless the marketing communication is directly related to treatment of the patient, describes treatment alternatives, is for case management or care coordination, made face-to-face with the patient, or it involves a promotional gift of nominal value

Saratoga Bridges will not use or disclose an individual's PHI for marketing purposes without the patient's written authorization.

Policy Responsibilities:

Privacy Officer

1. Determines whether or not the proposed activity or communication requires an authorization by the individual or the individual's personal representative. **All uses or disclosures except the following require an authorization:**
 - a. The communication describes a health-related product or service provided by Saratoga Bridges that:
 - i. for purposes of treating the individual; or
 - ii. is for case management or care coordination of the individual (e.g., for directing or recommending alternative treatments, therapies, health care providers, or care settings).
 - b. The communication promotes health in a general manner and does not promote a specific product or service.
 - c. The communication is used to promote health fairs, wellness classes, support groups, and population-based activities to improve health or reduce health costs.



- d. The marketing or communication is conducted in a face-to-face meeting with the individual or personal representative.
- e. A promotional gift of nominal value (e.g., a pen with Saratoga Bridges' name or logo) is given or sent to the individual.
- f. Consults Privacy Officer for further guidance.
- g. Obtains a valid written authorization from the individual or personal representative before any marketing communication or product is sent to the individual.
- h. If Saratoga Bridges will receive either direct or indirect remuneration from a third party as a result of the marketing activity, this information will be prominently included in the authorization that the individual or personal representative signs.
- i. Provides a copy of the signed authorization to the individual or personal representative.
- j. Files the signed authorization in the HIPAA section of the record.
- k. Authorization is maintained for six (6) years.