

<p style="text-align: center;">Policy & Procedure</p> <p>WEBER HUMAN SERVICES</p> <p style="text-align: center;">HIPAA/PRIVACY MARKETING</p>	<p>NUMBER 16</p>
	<p>APPROVED 2/21/2014</p>
	<p>REVIEWED 5/11/2017</p>
	<p>REVISED</p>

POLICY:

The Facility will not use or disclose a client's Protected Health Information (PHI) for marketing purposes without the client's written authorization.

PURPOSE :

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) prohibits the use or disclosure of a client's PHI for marketing purposes unless the marketing communication is directly related to treatment of the client, describes treatment alternatives, is for case management or care coordination made face-to-face with the client, or it involves a promotional gift of nominal value.

This Policy describes the procedures the Facility will follow in order to use a client's PHI for marketing purposes.

PROCEDURES:

1. **Marketing permitted without client authorization.** Communication to clients to describe a health-related product or service provided by the Facility that:
 - a. is for purposes of treating the client; or
 - b. is for case management or care coordination of the client (e.g., for directing or recommending alternative treatments, therapies, health care providers, or care settings).
2. **Marketing that does not require a client's written authorization.** If marketing is to be conducted in a face-to-face meeting with the client, the Facility may, but is not required to, obtain a written authorization from the client prior to the marketing meeting. If a promotional gift of nominal value (e.g., a pen with "The Facility" or the health care provider's name embossed on it, a tie tack pin with the Facility logo, etc.) is given or sent to the client, the Facility may, but is not required to, obtain a written authorization from the client prior to providing or sending the promotional gift.
3. **Marketing that requires the patient's written authorization**
 - a. A valid authorization will be obtained from the patient before initiating any other marketing activities with a client.
 - b. If the Facility 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 client signs.
 - c. Authorizations that must be executed prior to initiating marketing activities with the client will be provided when the client is physically present at the Facility or will be sent to the patient or his/her personal representative by U.S. mail.
 - d. Authorizations that are obtained for purposes of marketing will be maintained for a minimum of six (6) years. They may be stored in the client's file, but will not be considered part of the patient's Designated Record Set.