

Marketing Activities Guidance

Protecting the privacy of patient information is fundamental to UW Medicine's mission. As such, UW Medicine does not use or share PHI without written patient authorization for communications that are defined as marketing under Federal and state privacy laws. To help you understand the kinds of activities that are considered to be marketing and those that are not, please see below or contact UW Medicine Compliance for guidance. UW Medicine policy prohibits the sale of PHI for marketing purposes.

What does it mean to “use PHI” for communications?

Accessing/using any PHI maintained by UW Medicine, such as in the medical record, in order to obtain information that will be used to communicate with a patient or group of patients (e.g. by phone, email, or mail).

For example: Viewing contact information

Viewing clinical and/or demographic information in order to select specific groups of patients for targeted communications, including:

- Lists of patients with particular conditions
- Lists of patients who visited certain clinics or locations

Regulatory definition of marketing

Patient authorization is required in order to use PHI for these types of communications:

- Communications about a product or service that encourage the recipient to purchase or use the product or service **unless**
 - The communication is made to describe a health-related product or service (or payment for such product or service) that is provided by UW Medicine; including communications about the entities participating in a healthcare network for:
 - Treatment of the individual; *or*
 - Case management or care coordination for the individual, or to direct or recommend alternative treatments, therapies, healthcare professionals or settings of care to the individual.

Communications that are not marketing

Patient authorization is not required to use PHI for these types of communications:

- Communications from UW Medicine to describe health-related products or services (or payment for such products or services)
 - For example: it is not marketing when a hospital uses its patient list to announce the arrival of a new specialty group, or the acquisition of new equipment, such as specialty MRI, through a general mailing or publication.
- Communications about a patient's treatment, health-related products or services, and case management or care coordination (unless UW Medicine receives financial remuneration in exchange for making the communication)
- Refill reminders or other communications about a patient's current prescriptions for drugs or biologics (contact UW Medicine Compliance if UW Medicine is to receive financial remuneration in exchange for making the communication)
- Directives or recommendations for alternative treatments, therapies or healthcare professionals, or for settings of care for the patient.

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- For example: it is not marketing when a physician describes and refers a patient to the services offered by another UW Medicine healthcare professional specializing in care that is appropriate to the patient's treatment plan.

Resources

- UW Medicine Compliance Policy COMP.103(IV)(D)
- 45 CFR 164.501 and 164.508(a)(3)
- <https://www.hhs.gov/hipaa/for-professionals/privacy/guidance/marketing/index.html>