
Department: UW Medicine Compliance

Subject: PP-09 Use & Disclosure of Protected Health Information for Marketing Communications

Policy Number: 09

Established Date: December 12, 2002

Revised Date:

Review Date: May 22, 2006, March 12, 2009

Policy:

This policy discusses how UW Medicine¹ can use and disclose protected health information (PHI) for marketing purposes.

Marketing Communications:

Generally, marketing communications are communications about a product or service that encourages the recipient to purchase or use the product or service.

Communications That Are Not Marketing:

Informational communications by UW Medicine to describe health related products or services provided by UW Medicine are not considered marketing under the HIPAA Privacy Regulations. Communications for treatment for the patient, and communications for case management or care coordination, to direct or recommend alternative treatments or providers to the patient are also not considered marketing communications. For example, it is not marketing when a physician describes and refers a patient to the services offered by another UW Medicine provider specializing in care that is appropriate to the patient's treatment plan.

- I. UW Medicine must obtain the individual's written authorization for any use or disclosure of PHI for marketing unless the communication is in the form of:
 - A) A face-to-face communication between a UW Medicine workforce member and an individual;

¹ For the purposes of HIPAA, UW Medicine includes the following entities: University of Washington Medical Center and Clinics; Harborview Medical Center and Clinics; UW Medicine Neighborhood Clinics (University of Washington Physicians Network); UW Physicians Sports Medicine Clinic; UW Medicine Eastside Specialty Center; Hall Health Primary Care Center; and University of Washington Physicians.

Or

B) A promotional gift of nominal value provided by UW Medicine.

II. If the marketing involves direct or indirect remuneration to UW Medicine from a third party, the authorization must include a statement that remuneration is involved. See UW Medicine Privacy Policy: *PP-08 Use & Disclosure of Protected Health Information Requiring Authorization*.

III. UW Medicine occasionally purchases external mailing lists for its direct mail marketing activities. Individuals who wish to be removed from these lists will be directed to the mailing house that owns the list. UW Medicine will make information pertaining to commercial mailing lists available upon request.

References:

I. 45 CFR Part 160 and 164; Section 164.508(a) (3) "Uses and disclosures for which an authorization is required – Authorization required: Marketing"; Section 164.501 (definition of marketing).

UW Privacy Officer: _____ Date: _____
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