

<p><u>POLICY & PROCEDURE</u></p> <p>SUBJECT: Uses and Disclosures of Protected Health Information for Marketing CC.13 *IHN*</p> <p>DEPT: CORPORATE COMPLIANCE</p>	<p>Page 1 of 2</p> <p>EFFECTIVE Date: 04/14/2003</p> <p>REVIEW Date: 05/20/2021</p>
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HIPAA Cites: 45 C.F.R. §§ 164.501, 164.508(a)(3)

I. POLICY:

- A. Inspira Health obtains a patient's authorization before using or disclosing the patient's Protected Health Information for marketing purposes unless an exception exists under this policy.
- B. Further, under no circumstances may Inspira Health disclose a patient's HIV/AIDS Related Information, Sexually Transmitted Disease Information or Tuberculosis Information, nor may Inspira Health obtain, retain, use or disclose a patient's Genetic Information for marketing purposes unless permitted by the patient's signed Authorization Form.
- C. "Marketing" means 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:
 - 1. To describe a health-related product or service (or payment for such product or service) that is provided by, or included in a plan of benefits of, the covered entity making the communication, including communications about: the entities participating in a Health Plan network; replacement of, or enhancements to, a Health Plan; and health-related products or services available only to a Health Plan enrollee and add value to, but are not part of, a plan of benefits;
 - 2. For Treatment of the patient; or
 - 3. For case management or care coordination for the patient, or to direct or recommend alternative treatments, therapies, Providers, or settings of care to the patient.

II. PROCEDURES:

- A. Restriction on Uses and Disclosures of Protected Health Information for Marketing.
 - 1. Inspira Health must obtain the patient's written authorization before using or disclosing a patient's Protected Health Information for marketing purposes unless the use or disclosure is permitted under Section II.B below.
 - 2. If the marketing involves direct or indirect remuneration to Inspira Health from a third party, the authorization must state that such remuneration is involved.



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- B. Permitted Uses and Disclosures of Protected Health Information for Marketing
1. Marketing Communication to Individual Without Authorization. Inspira Health may use or disclose Protected Health Information, other than specific types of Protected Health Information as set forth in Section II.C below, to make a marketing communication to a patient without first obtaining the patient's written authorization, if such communication is in the form of:
 - a. A face-to-face encounter made by a representative of Inspira Health to the patient.
 - b. A promotional gift of nominal value provided by Inspira Health.
 2. Disclosures to Business Associates. Inspira Health may not disclose Protected Health Information for purposes of making a communication described in Subsection B.1 to any person other than the patient or a Business Associate that assists Inspira Health in making such communications.
- C. Specific Types of Protected Health Information. Inspira Health may not disclose a patient's HIV/AIDS Related Information, Sexually Transmitted Disease Information or Tuberculosis Information, or obtain, retain, use or disclose a patient's Genetic Information for marketing purposes unless permitted by the patient's signed Authorization Form,.