

TITLE: MARKETING

POLICY:

Columbia University Medical Center will not use or disclose a patient's Protected Health Information (PHI) for marketing purposes without the patient's written authorization.

PURPOSE :

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) prohibits the use or disclosure of a patient'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.

This Policy describes the procedures Columbia University Medical Center will follow in order to use a patient's PHI for marketing purposes.

PROCEDURES:

1. Marketing is permitted without patient authorization

If the communication it makes to patients:

- . describes a health-related product or service provided by Columbia University Medical Center that:
 - a. is for purposes of treating the patient; or
 - b. is for case management or care coordination of the patient (e.g., for directing or recommending alternative treatments, therapies, health care providers, or care settings).

2. Marketing that does not require a patient's written authorization

If marketing is to be conducted in a face-to-face meeting with the patient, Columbia University Medical Center may, but is not required to, obtain a written authorization from the patient prior to the marketing meeting.

- . If a promotional gift of nominal value (e.g., a pen with "Columbia University Medical Center" or the health care provider's name embossed on it, a tie tack pin with the Columbia University Medical Center logo, etc.) is given or sent to the patient, Columbia University Medical Center may, but is not required to, obtain a written authorization from the patient prior to providing or sending the promotional gift.

3. Marketing that requires the patient's written authorization

- . A valid authorization will be obtained from the patient before any products or services are to a patient.
 - a. If Columbia University Medical Center 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 patient

signs.

- b. Authorizations that must be executed prior to initiating marketing activities with the patient will be provided when the patient is physically present at Columbia University Medical Center or will be sent to the patient or his/her personal representative by U.S. mail.
- c. Authorizations that are obtained for purposes of marketing will be maintained for a minimum of six (6) years. They may be stored in the patient's file, but will not be considered part of the patient's Designated Record Set.

4. Definitions

Marketing - to make a communication about a product or service that encourages recipients of the communication to purchase or use the product or service. **Marketing** also means an arrangement between Columbia University Medical Center and another organization where Columbia University Medical Center would receive direct or indirect compensation in return for providing a list of Columbia University Medical Center patients to the other organization for their use in marketing to a list of patients.

Protected Health Information - information about a patient, including demographic information that may identify a patient, which relates to the patient's past, present or future physical or mental health or condition, related health care services or payment for health care services.

RESPONSIBILITY: Departments, HIPAA Privacy Officer

ISSUED: December 2003

REVIEWED: October 2007

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