



<p>Pennsylvania Hospital &amp; Surgery Center</p> <p><b>ADMINISTRATIVE POLICY MANUAL</b></p>	<p>Page 1</p> <p>Effective: 0408</p>
<p><b>SUBJECT: MARKETING AND OTHER RELATED HEALTH CARE COMMUNICATIONS</b></p> <p><b>POLICY NUMBER: HIP12</b></p>	

Issued:

**POLICY**

Committee Approval:  
HIPAA

For purposes of this policy, Pennsylvania Hospital includes all off campus licensed facilities, including but not limited to the Surgery Center of Pennsylvania Hospital.

Administrative Policy  
Review Committee:  
April 2003  
April 2004  
April 2005  
April 2006  
April 2007  
April 2008

It is the policy of Pennsylvania Hospital that protected health information (PHI) will be used and disclosed in a manner that respects a patient's right to privacy, and in accordance with HIPAA privacy regulations and applicable laws.

**PURPOSE**

Attachment(s):

The purpose of this policy is to define appropriate use of PHI in marketing and other related health care communications activities, where the purpose is to encourage the recipient to purchase or use a product or service.

**SCOPE**

Related Policies:

All members of Pennsylvania Hospital's work force are required to comply with the provisions of this policy in conducting marketing activities as defined below.

**IMPLEMENTATION**

All members of Pennsylvania Hospital's work force communicating with patients for the purpose of encouraging the patient to purchase or use a product or service are responsible for implementing this policy. The Marketing Department at Pennsylvania Hospital is also specifically responsible for implementing this policy.

**DEFINITIONS**

Protected health information (PHI) is information that is created or received by UPHS and the School of Medicine; and relates to the past, present, or future physical or mental health or condition of a patient; the provision of health care to a patient; or the past, present, or future payment for the provision of health care to a patient; and that identifies the patient or for which there is a reasonable basis to believe the information can be used to identify the patient. PHI includes information of persons living or deceased. The following components of a patient's information also are considered PHI: a) names; b) street address, city, county, precinct, zip code; c) dates directly related to a patient, including birth date, admission date, discharge date, and date of death; d) telephone numbers, fax numbers, and electronic mail addresses; e) Social Security numbers; f) medical record numbers; g) health plan beneficiary numbers; h) account numbers; i) certificate/license numbers; j) vehicle identifiers and serial numbers, including license plate numbers; k) device identifiers and serial numbers; l) Web Universal Resource Locators (URLs); m) biometric identifiers, including finger and voice prints; n) full face photographic images and any comparable images; and o) any other unique identifying number, characteristic, or code.

Pennsylvania Hospital & Surgery Center  <b>ADMINISTRATIVE POLICY MANUAL</b>	Page 2  Effective: 0408
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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.

**PROCEDURE**

1. Pennsylvania Hospital's work force may use PHI to communicate with patients without restriction in the following situations:

- a) In face-to-face communication with patients.
- b) When providing items of nominal value (e.g., pens, notepads, etc.) to patients.
- c) 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, UPHS and the School of Medicine, including communications about: the entities participating in a health care provider network or health plan network; replacement of, or enhancements to, a health plan; and health-related products or services available only to a health plan enrollee that add value to, but are not part of, a plan of benefits.
- d) For treatment of the individual.
- e) For case management or care coordination for the individual, or to direct or recommend alternative treatments, therapies, health care providers, or settings of care to the individual.

Pennsylvania Hospital may receive direct or indirect remuneration from a third party for making a communication about a product or service provided by that third party, as long as Pennsylvania Hospital does not provide any PHI to that third party.

2. All other marketing communications require authorization. An authorization signed by the patient must be obtained before using or disclosing that patient's PHI for all other communications that are marketing, as defined above. If the marketing involves direct or indirect remuneration to Pennsylvania Hospital from a third party, the authorization must state that such remuneration is involved.

/s/Kathleen Kinslow  
 Kathleen Kinslow, CRNA, EdD, MBA  
 Executive Director

05/05/08  
 Date

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