Scope: Unless otherwise limited, this policy applies to Renown Health as defined in Renown.CCD.700.

Purpose: This policy outlines the circumstances under which Renown Health (“Renown” or “health network”) personnel may use or disclose the protected health information of a patient/member for marketing communications.

Policy: Renown personnel may use or disclose the protected health information of a patient/member for marketing communications purposes by complying with the procedures set forth below.

Procedure:
I. General Rule. Renown must obtain an authorization from a patient/member for any use or disclosure of health information for marketing purposes unless the communication is in the form of:
   A. A promotional gift of nominal value provided by Renown; or
   B. Renown provides information on health-related products and services in a face-to-face encounter with the patient/member.

II. Marketing Activities: The term ‘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:
   A. For treatment of the patient/member; or
   B. 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 provided by Hometown Health Plan, Inc., or Hometown Health Insurance Providers, Inc., including communications about:
      1. The entities participating in a health care provider network or health plan network;
      2. Replacement of, or enhancements to, a health plan;
      3. 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; and
      4. For case management or care coordination for a patient/member, or to direct or recommend alternative treatments, therapies, health care providers or setting of care to that patient/member.
C. The term ‘marketing’ also includes an arrangement between Renown and any other entity whereby Renown discloses patient health information to the other entity, in exchange for direct or indirect remuneration, to enable the other entity or its affiliate to make a communication about its own product or service that encourages recipients of the communication to purchase or use that product or service.

References:
45 CFR §164.508(a)(3)

Contributors: