



Policies and Procedures

Policy Title: Use and Disclosures of Protected Health Information for Fundraising and Marketing Purposes			
Department Responsible: THN Compliance and Privacy	Policy Code: 2.0	Effective Date: April 10, 2017	Next Review/Revision Date: September 30, 2019
Title of Person Responsible: Chief Compliance Officer	Cone Health Approval Council: Leadership Alliance Policy & Procedure Committee		Date Adopted by THN Compliance & Privacy: April 10, 2017

DEFINITIONS:

Individually identifiable health information (IIHI): Information that is a subset of health information, including demographic information collected from an individual, and is created or received by Triad HealthCare Network (THN); and relates to the past, present or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual (a) that identifies the individual, or (b) with respect to which there is a reasonable basis to believe the information can be used to identify the individual.

Marketing: For the purposes of this policy, 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. Marketing means to make a communication about a product or service that encourages patients of the communication to purchase or use the product or service. Marketing does NOT include a communication made:

1. To provide refill reminders or otherwise communicate about a drug or biologic that is currently being prescribed for the patient.
2. For the treatment and health care operations, except where THN receives financial remuneration in exchange for making the communication:
 - a. For treatment by a health care provider;
 - b. To prescribe a health-related product or service that is provided by or included in a plan of benefits; or
 - c. For case management or care coordination.

Notice of Privacy Practices: Document that describes how medical information about the patient will be used and disclosed, and how the patient can get access to this information. It also includes the patient’s health privacy rights.

Protected health information (PHI): Information that is IIHI and is transmitted by electronic media, or transmitted or maintained in any other form or medium, except education and other records covered by



the Family Educational Right and Privacy Act and employment records held by a covered entity (THN) in its role as an employer.

PURPOSE:

To establish guidelines for the use of protected health information (PHI) for fundraising and/or marketing purposes.

POLICY:

- Triad HealthCare Network may use and disclose patient information for the purpose of fundraising provided the Beneficiary gives written consent authorizing their patient information may be used and disclosed for fundraising purposes. A written consent must be obtain each time the patient information is used.
- It is the policy of THN to obtain an authorization from patients prior to the use or disclosure of their PHI for the purpose of marketing a product or service to them.

PROCEDURE:

Fundraising

Triad HealthCare Network may use or disclose to a business associate or to an institutionally related foundation the following PHI for the purpose of raising funds for its own behalf without an authorization from the patient:

- Demographic information related to the patient, including name, address, other contact information, age, gender, and date of birth;
- Date of patient services;
- Servicing department information;
- Treating physician;
- Outcome information; and
- Health insurance status.

Triad HealthCare Network, its business associates, or any institutionally related foundation will not use the following PHI without a written patient authorization.

- Diagnosis
- Nature of Services
- Treatment

Fundraising Requirements:

1. In order to use and/or share the above patient information, THN must provide to the Beneficiary Notice that states THN may contact patients to raise funds for Triad HealthCare Network and that patients have the right to opt out of receiving such communications. After providing Notice, THN must obtain the patient's authorized written consent.
2. Triad HealthCare Network may not condition treatment or payment on the patient's choice with respect to the receipt of fundraising communications.
3. Triad HealthCare Network is prohibited from making fundraising communications to patients who have opted out of receiving such communications.
4. Triad HealthCare Network may provide individuals who have elected not to receive fundraising communications with a method to opt back in to receive such communications.



Marketing

Triad HealthCare Network is required to obtain authorization from patients prior to using or disclosing PHI about them for the purpose of marketing a product or service to them, except for the following conditions:

1. A face-to-face communication made by THN or the patient; or
2. A promotional gift of nominal value provided by THN.

REFERENCE DOCUMENTS:

HIPAA Privacy Regulations, 45 C.F.R. § 164.514(f)
 HIPAA Privacy Regulations, 45 C.F.R. § 164.520(b)(1)(iii)(A)
 HIPAA Privacy Regulations, 45 C.F.R. § 164.501 and § 164.508(a)

PREVIOUS REVISION/REVIEW DATES:

<i>Date</i>	<i>Reviewed</i>	<i>Revised</i>	<i>Notes</i>
April 10, 2017	N/A	N/A	New Policy
January 23, 2018	Yes	Yes	THN is not a Covered Entity and does not possess a NPP. The language was changed to reflect THN's legal status as a BAA.