



PLUMAS COUNTY, CALIFORNIA

HIPAA RELATED POLICIES AND PROCEDURES

EFFECTIVE APRIL 14, 2003

USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION FOR MARKETING AND FUNDRAISING

Policy:

Plumas County may not use or disclose protected health information for marketing or fundraising without an authorization that meets the Privacy Rule requirements.

Purpose:

Responsibilities:

The Privacy Rule defines marketing as:

1. A communication about a product or service with the purpose of encouraging recipients of the communication to purchase or use the product or service unless the communication is made:
 - To describe a health related product or service that is provided by, or included in a plan of benefits of the covered entity making the communication; or
 - By the covered entity to an individual as part of the treatment of the individual; or
 - 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.
2. An arrangement between Plumas County and another entity in which Plumas County discloses protected health information to the other entity in exchange for direct or indirect remuneration, for 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.

Two exceptions to communications that do not constitute marketing are:

- Any face to face communication made by Plumas County to an individual; or
- A promotional gift of nominal value provided by Plumas County.

An authorization for marketing activities must disclose any direct or indirect remuneration resulting from the activity.

Individual's have the right to deny authorization or terminate an existing authorization and not receive future marketing and / or fundraising communications.

Any fundraising activities must be disclosed in Plumas County's Notice of Privacy Practices.

Process:

Any communications or activities that meet the definition of marketing or fundraising require an authorization. The individual must be given written communication on how to opt out of receiving future communications of marketing and fundraising. Plumas County must make reasonable efforts to ensure that individuals who decide to opt out of receiving future marketing communications are not sent such communications.

Authorization for marketing and fundraising may be combined in a compound authorization.

The use of protected health information to create the mailing list necessary to obtain an authorization does not require an authorization.

Date issued: April 14, 2003
Last revision date:

Reference: 45 CFR 164.501 & 164.508 & 164.514