Tulane University

DEPARTMENT: General Counsel's Office -- HIPAA	**POLICY DESCRIPTION:** Marketing Activities
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APPROVED: April 1, 2003	**REVISED:**
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Tulane University Policy on Marketing Activities

SCOPE OF POLICY

This policy applies to Tulane University Medical Group, its participating physicians and clinicians, and all University employees and business units who provide management, administrative, financial, legal, and operational support to or on behalf of Tulane University Medical Group and have been designated as part of the Tulane university HIPAA Health care Component.

STATEMENT OF POLICY

Tulane University Medical Group may not use or disclose protected health information for marketing without an authorization signed by the patient. No marketing communications may be made without the prior approval of the Privacy Official or designee in accordance with the following procedures.

IMPLEMETATION OF POLICY

1) Definition of Marketing. 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 does not include communications:
   a) 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, Tulane University Medical Group, 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;
   b) For treatment of the individual; or
   c) 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.

   An arrangement between Tulane University Medical Group and any other entity whereby Tulane University Medical Group 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 is always marketing, notwithstanding the above.

2) Authorization for Marketing. Tulane University Medical Group may not use or disclose protected health information for marketing without an authorization signed by the patient, unless the communication is in the form of:
   a) A face-to-face communication made by Tulane University Medical Group to an individual; or
   b) A promotional gift of nominal value provided by Tulane University Medical Group.