

PURPOSE

This is to provide instruction on how and when to obtain a HIPAA compliant authorization for the purpose of marketing.

**PROCEDURE
Authorization
Required**

Obtain signed HIPAA compliant authorizations prior to communicating with any recipients regarding marketing material and information.

If direct or indirect remuneration is exchanged for the Protected Health Information (PHI) data, the recipient of the communication must be informed of the arrangement on the authorization form.

Not Marketing

The following communications by managed care organizations are not marketing and do not require a signed authorization.

Providing information:

- 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, the covered entity making the communication, including communications about: the entities participation 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.
- To treat the individual.
- 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.

REFERENCES

45 CFR 164.501, §164.508(a), §164.508(b), §164.514(f)

CONTACT

For additional information concerning this policy, contact the MDHHS Bureau of Legal Affairs.