

# STANDARD ADMINISTRATIVE PROCEDURE

## 16.99.99.M0.08 Marketing Activities

*Approved October 27, 2014*

*Next scheduled review: October 27, 2019*

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### SAP Statement

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This procedure applies to Texas A&M Health Science Center (TAMHSC) health care providers, its participating physicians and clinicians, employees and business units who provide management, administrative, financial, legal, and operational support to or on behalf of the health care provider and has been designated as a member of the TAMHSC Health Care Component. This procedure pertains to protected health information covered by the TAMHSC Health Care Component's Notice of Privacy Practices.

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### Official procedure

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#### 1. PROCEDURES

The TAMHSC Health Care Component may not use or disclose protected health information for marketing<sup>i</sup> without an authorization signed by the patient. No marketing communications may be made without the prior approval of the Privacy Officer, or designee in accordance with the following procedures.

1.1 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.

1.2 Marketing does not include communications:

1.2.1 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 TAMHSC Health Care Component, 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;

1.2.2 For treatment of the individual; or

- 1.2.3 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.
- 1.3 An arrangement between the TAMHSC Health Care Component and any other entity whereby the TAMHSC Health Care Provider 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.
- 1.4 Authorization for Marketing.
  - 1.4.1 The TAMHSC Health Care Component 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 face-to-face communication made by the TAMHSC Health Care Component to an individual; or
    - A promotional gift of nominal value provided by the TAMHSC Health Care Component.

## 2. VIOLATIONS

The Privacy Officer has general responsibility for implementation of this procedure. Employees who violate this procedure will be subject to disciplinary action up to and including termination of employment. Anyone who knows or has reason to believe that another person has violated this procedure should report the matter promptly to his or her supervisor or the Privacy Officer. All reported matters will be investigated, and, where appropriate, steps will be taken to remedy the situation. Where possible, every effort will be made to handle the reported matter confidentially. Any attempt to retaliate against a person for reporting a violation of this procedure will itself be considered a violation of this procedure that may result in disciplinary action up to and including termination of employment.

i HIPAA Code: §164.514(e)(1)

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### Contact Office

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TAMHSC Vice President of Finance and Administration