

MARKETING AND PROTECTED HEALTH INFORMATION POLICY

1. Introduction

- a. Clark County has adopted this Access Modification Policy to comply with our duties under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), the Department Health and Human Services (“DHHS”) security and privacy regulations, the Joint Commission on Accreditation of Healthcare Organizations (“JCAHO”) accreditation standards, as well as our duty to protect the confidentiality and integrity of confidential medical information as required by law, professional ethics, and accreditation requirements.
- b. This policy governs to how to secure an authorization to use or disclose protected health information (PHI) for marketing purposes.

2. Definitions

- a. Marketing is defined as:
 - i. to make a communication about a product or service that encourages recipients of the communication to purchase or use the product or service; or
 - ii. an arrangement involving a covered entity whereby PHI is disclosed by the covered entity in exchange for direct or indirect remuneration, so that the other entity or affiliate can make a communication that encourages the purchase or use of its own product or service.
- b. Marketing does not include:
 - i. oral or written communications that describe Clark County’s network or covered services; or
 - ii. communications about treatment for the patient; or
 - iii. communications about case management or care coordination, or recommendations of treatment alternatives and care options, including health care providers or settings of care.

3. Procedure

- a. Clark County will obtain an authorization for any use or disclosure of PHI for marketing, except if the communication is in the form of a:
 - i. face-to-face communication with the patient; or
 - ii. a promotional gift of nominal value provided by Clark County
- b. If the marketing involves Clark County receiving direct or indirect remuneration by a third party, the authorization will state that such remuneration is involved.