

Weber Family Chiropractic PC
Marketing Practices

Policy No.: 16

Issue Date: 04/04/03

Revision Date: 10/01/2013

Approval: Dr. Scott Weber
Title: Office Manager

Title:

I. POLICY

It is the policy of Weber Family Chiropractic PC to obtain a written authorization from the patient prior to using the patient's protected health information ("PHI") for marketing purposes. This Policy supersedes any previous policy on this subject.

II. PURPOSE

The purpose of this Policy is to define what practices constitute "marketing" and ensure that Weber Family Chiropractic PC obtains a written authorization from the patient prior to using PHI for marketing.

III. SCOPE

This Policy defines "marketing" and when a written authorization must be obtained from the patient prior to using PHI for marketing purposes.

III. PROCEDURE

A. Defining "Marketing"

1. Weber Family Chiropractic PC is generally required to obtain a written authorization from the patient before using PHI for marketing purposes.
2. "Marketing" means:
 - a. a communication about a product or service that encourages the recipient of the communication to purchase or use the product or service;
 - b. an arrangement between Weber Family Chiropractic PC and any other entity whereby Weber Family Chiropractic PC discloses PHI to the other entity in order for the entity to make a communication about its own product or services that encourages recipients of the communication to purchase or use the product or service.

3. The following practices, however, are not considered to be "marketing" even though they appear to fit the definition given above:
 - a. communication to a patient that is made during a face-to-face encounter (e.g., discussing therapy options with the patient);
 - b. providing a patient with a promotional gift of nominal value (e.g., sending out magnets with the practice name and logo to all patients);
 - c. communication to a patient regarding health-related products or services that are offered by Weber Family Chiropractic PC (e.g., the practice obtains a new piece of diagnostic equipment);
 - d. communication to a patient for the purpose of treating the patient ;
 - e. communication to a patient for the purpose of case management or care coordination of the patient or to recommend alternative treatments, therapies, health care providers, or settings of care to the patient (e.g., referring a patient to a specialist).
4. Advertisements in a general newsletter sent by Weber Family Chiropractic PC to its patients are considered "marketing."

B. Preparations for Marketing

1. Any communication to patients regarding products or services that will occur outside of the office setting or any arrangement between Weber Family Chiropractic PC and entity in which PHI will be provided to the entity in order to communicate with Weber Family Chiropractic PC's patients must be reviewed by Dr. Scott Weber to determine whether such communication constitutes "marketing."
2. If Dr. Scott Weber determines that the communication constitutes "marketing," Dr. Scott Weber shall ensure that Weber Family Chiropractic PC obtains written authorization from each patient to whom Weber Family Chiropractic PC wishes to market. The written authorization must be obtained in accordance with the Policy No. 3 regarding authorization for use and disclosure of PHI. It is not sufficient to provide the patient an opportunity to "opt out" of future mailings or other marketing.
3. Dr. Scott Weber shall ensure that any and all staff members involved in communications to patients regarding products or services are familiar with this policy regarding marketing practices.