

## **Marketing and Fundraising - HIPAA General Operating Policy**

### **I. POLICY STATEMENT**

It is the policy of Mercer University ("Mercer") not to use or disclose identifiable health information for marketing purposes without the authorization of the individuals to whom the health information relates. It is further the policy of the University to allow patients to choose not to have their identifiable health information used for purposes of institutional fundraising.

### **II. POLICY PURPOSE**

The purpose of this policy is to assure that identifiable health information is not used or disclosed for marketing or fundraising activities without an individual's permission, except as noted below, and to assure that identifiable health information is not used or disclosed where an individual has specifically objected to inclusion of their health information for such activities. Marketing is defined as a "communication about a product or service a purpose of which is to encourage recipients of the communication to purchase or use the product or service." Marketing does not include communications to an individual for treatment, case management or care coordination, or to direct or recommend alternative treatments, therapies, health care providers, or care settings and does not include gifts of nominal value.

### **III. POLICY STANDARDS**

Mercer may, from time to time, engage in certain marketing and institutional fundraising activities requiring the use of identifiable health information. This may involve the disclosure of identifiable health information to a business associate or institutional foundation, necessary for compiling targeted lists and groups of individuals.

Individuals will be provided the opportunity to choose whether they wish to receive marketing communications. Marketing communications will only include individuals who "opt-in" and, in so doing, grant their permission for the use of their identifiable health information for marketing purposes. All other individuals will be excluded from marketing communications.

Individuals will be allowed to "opt-out" of fundraising communications. Those individuals who choose not to have their health information used for fundraising purposes will be excluded from further fundraising communications.

In the normal course of business, Mercer may communicate orally with individuals or through written correspondence about products or services that relate directly to their care and treatment and/or make referrals to other physicians, therapists, or specialists for purposes of treatment. This is a part of continuing patient care and is not considered as marketing activities. Mercer may disclose identifiable health information to employees or agents of Mercer but only if the information is job-related and the disclosure is necessary.

Any other use or disclosure of identifiable health information for marketing or fundraising efforts will require specific individual authorization.

The above represents a general statement of University operating policy. For further details regarding this statement, see Statutory Requirement 45 CFR Section 164.514.

Employees of the Mercer Health System should reference the Mercer Health System policies and procedures for HIPAA compliance guidelines.

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