

	Ethics & Compliance Department	
	Policy No.: 20	Created: 01/2018
		Reviewed: 09/2024
	Revised:	

HIPAA: USING AND DISCLOSING PROTECTED HEALTH INFORMATION FOR MARKETING

SCOPE:

All Envision Healthcare teammates. For purposes of this policy, all references to “teammate” or “teammates” include temporary, part-time and full-time employees, independent contractors, clinicians, officers and directors.

PURPOSE:

Envision Healthcare Operating, Inc. and its subsidiaries and affiliates (“Envision” or “the Company”) has adopted this Using and Disclosing Protected Health Information for Marketing policy to address the specific and limited uses of protected health information (“PHI”) for marketing purposes where a patient authorization for disclosure is not required.

POLICY:

- A) In general, the Company will not use or disclose PHI for marketing purposes without an authorization from the patient. However, the Company may use or disclose PHI to make a “marketing communication” under certain circumstances without patient authorization. This “marketing communication” is considered a function of health care operations. The Company may use or disclose PHI for the purpose of a “marketing communication” when the communication:
- (1) Occurs in a face-to-face encounter with the individual;
 - (2) Concerns products or services of nominal value (e.g. distribution of calendars, pens etc.); or
 - (3) Concerns the Company’s or a third party’s health-related products and services as long as the Company is not receiving any remuneration for making the communication.
- B) If the Company uses or discloses PHI to target the communication to patients based on their health status or condition, the Company must make a determination prior to making the communication that the product or service being marketed may be beneficial to the health of the type or class of patients targeted. In addition, the communication must explain why the patient has been targeted and how the product or service relates to the patient’s health.

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- C) The Company must make reasonable efforts to ensure that patients who decide to opt out of receiving future marketing communications are not sent such communications.
- D) The Company may disclose PHI to a business associate for purposes of marketing communications only if the business associate’s function is to assist the Company with conducting the “marketing communications.”
- E) The Company will not sell, nor allow anyone else to sell patient’s PHI.
- F) If the Company receives payment for marketing/communicating treatment options to an individual, the Company will have its Notice of Privacy Practices state that it may communicate in this way and the communication will tell patients that the Company is receiving payment in exchange for the communication and will let patients know how to opt out of further similar communications. The Company will not make opting out financially or otherwise overly burdensome for the patient.

POLICY REVIEW

The Ethics & Compliance Department will review and update this Policy, when necessary, in the normal course of its review of the Company’s Ethics & Compliance Program.