



**Office of Regulatory Compliance**

**HIPAA Policy 5.1**

<b>Title:</b>	<b>Marketing</b>
<b>Source:</b>	<b>Office of Regulatory Compliance</b>
<b>Prepared by:</b>	<b>Assistant Vice Chancellor for Regulatory Affairs</b>
<b>Approved by:</b>	<b>Vice Chancellor for Research</b>
<b>Effective Date:</b>	<b>July 1, 2013</b>
<b>Replaces:</b>	<b>02/26/03</b>
<b>Applies:</b>	<b>All UCD campuses</b>

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**Introduction**

***Purpose***

The purpose of this policy is to identify the circumstances in which the University of Colorado Denver is authorized to contact patients or their representatives for the purpose of marketing.

***Reference***

45 C.F.R. § 164.508(a)(3).

***Applicability***

It is the responsibility of anyone in the UCD who wishes to contact individuals for marketing using PHI to follow this policy.

The UCD may not use or disclose PHI for marketing purposes without an authorization meeting the requirements of UCD HIPAA Policy 3.1 and the exceptions provided here.

## **Policy**

The UCD must obtain an authorization for any use or disclosure of protected health information for marketing except in the following circumstances: 1) if the communication is a face-to-face communication between the UCD and the individual; or 2) if the communication involves only a promotional gift of nominal value provided by the UCD. Additionally, if the marketing involves direct or indirect remuneration to the UCD from a third party, the authorization must state that remuneration is involved.

The UCD cannot sell PHI to any other person or entity.