

**CREIGHTON UNIVERSITY
POLICY REGARDING MARKETING TO CLINIC PATIENTS**

I. PURPOSE

This policy is designed to inform Creighton University employees, faculty and agents (collectively referred to herein as "health care personnel") in Creighton clinics of Creighton policy regarding marketing to patients.

II. POLICY

It is Creighton policy that patients shall only be subject to marketing if such marketing is in compliance with this policy.

III. SCOPE

This policy applies to Creighton Clinic Pharmacy, Creighton Dental Clinics, Creighton Pediatric Therapy and Creighton Specialty Pediatrics ("Creighton Clinics"), The following persons must comply with this policy: all employees and faculty with access to patients or patient contact information.

IV. DEFINITIONS

"Marketing" means any communication about a product or service that encourages recipients of the communication to purchase or use the product or service. It does not include:

- (a) Any reminders or communications about drugs or biologics currently prescribed to an individual, as long as there is no remuneration to Creighton or its clinics for such communication in excess of the cost of the communication;
- (b) For the following treatment and health care operations purposes, provided there is no remuneration by any third party for the communication:
 - a. For treatment purposes (including care management or coordination) or to direct or recommend alternative treatment, alternative providers, or alternative treatment settings;
 - b. Describing health products or services provided by Creighton;
 - c. For care management or coordination or related services, whether for treatment or other purposes;

"Protected health information" means information which identifies an individual patient. It can be in electronic, paper or other format. "Protected health information" is abbreviated as "PHI."

"Patient representative" means an individual with authority under applicable law to act on behalf of an individual who is an adult or an emancipated minor in making decisions related to health care

V. PROCEDURES

No Creighton Clinic shall provide or deliver (by mail or electronically) marketing materials to Clinic patients absent written authorization signed by the patient or the patient's representative except where:

- (a) The marketing is conducted face to face by Clinic staff or faculty to the patient or the patient's representative; or
- (b) The marketing is in the form of a promotional gift of nominal value.

Patient authorization must be on a form approved by the University Privacy Officer. If the marketing includes remuneration, the authorization must state that remuneration is involved.

VI. ENFORCEMENT AND DISCIPLINE

Disciplinary action for violations shall be determined in accordance with University's progressive disciplinary policy for Creighton employees. Disciplinary action for violations of this policy by students shall be determined at the school level. Disciplinary action for violations by residents will be determined at the program level. Disciplinary action will be based upon the severity and/or frequency of the violation.

VII. NONRETALIATION

No individual filing reports of a suspected breach shall be retaliated against for such actions. Any retaliation shall be subject to discipline according to University policy.

VIII. AMENDMENTS OR TERMINATION OF THIS POLICY

This policy may be amended or terminated by Creighton University at any time.

IX. VIOLATIONS AND INQUIRIES

Any questions about or known violations of this policy should be reported to the University Privacy Officer at 402-280-3469 or via e-mail to privacy@creighton.edu.

X. REFERENCES

45 CFR 164.501, 45 CFR 164.508.