

TEXAS ASSOCIATION OF COUNTIES HEALTH AND EMPLOYEE BENEFITS POOL

PARTICIPANT PRIVACY AND MARKETING

Effective Date: March 17, 2003

POLICY

Texas Association of Counties Health and Employee Benefits Pool (HEBP) will protect the privacy of a participant's Protected Health Information ("PHI") during its marketing activities unless the participant authorizes the disclosure of the participant's PHI.

PROCEDURE

- HEBP will obtain a participant's authorization before disclosing PHI to a third party pursuant to an arrangement whereby HEBP receives remuneration, direct or indirect, in exchange for the disclosure of PHI to a third party so that the third party may make a marketing communication to the participant.
- Marketing includes communications that encourage participants to purchase or use a product or service.
- Marketing does not include:
 - HEBP's description of a health-related product or service (or payment for such product or service) that the Health Plan provides or includes in its plan of benefits, including communications about the Health Plan's participating providers or network.
 - HEBP's description of replacement of or enhancements to a Health Plan.
 - HEBP's description of health-related products or services that are only available to Health Plan participants and that are not part of the plan of benefits, but add value to it.
 - Communications for treatment of the participant.
 - Communications for the participant's case management or care coordination, or to direct or recommend treatment alternatives, therapies, Health Care Providers or settings of care.
- All authorizations for marketing disclose whether HEBP receives remuneration from a third party, either direct or indirect.
- HEBP does not allow its Business Associates or others to use PHI for their own marketing purposes without obtaining authorizations from the participants who are the subject of the PHI.