

How Marketers Use Your Personal Health Information

HIPAA allows over 4 million health related businesses and their associates to look at your health records. They are allowed to look at your records for purposes of Treatment, Payment and Operations (TPO). TPO is so broadly written that it is hard to imagine anything that does *not* fall under this category.

Did you know that HIPAA also allows for some kinds of direct marketing? Sometimes it is possible for businesses to look at and use your health records created by your doctor **without explicit consent**. It is O.K. for a company to communicate to you if the advertisement, mailer, brochure, or other communication is:

- About a drug, product or service that is covered by your plan and the communication comes from your insurer
- Related to your illness or treatment
- Involved in the management or coordination of your health care, or recommendations for alternative treatments, therapies, health care providers or settings of care

According to the Electronic Privacy Information Center, (their website is an excellent resource, <http://www.epic.org/>) here are a few examples of marketing allowed by HIPAA:

- A drug manufacturer can pay a doctor or a pharmacy to send refill reminders, information about specific drugs or alternative drugs to all patients that have a certain condition. *The only difference between this kind of marketing and a T.V. commercial is that this advertisement comes directly from someone you trust, your doctor or your pharmacy. Yet it was designed and paid for by a drug company.*
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- You could receive marketing of services or products based on your personal health problems such as diabetes or HIV/AIDS. This could happen without your permission. Why? Because it is classified as case management or coordination of care.

How can we stop this? Patient Privacy Rights is working to close these marketing loopholes. We want to put the patient back in control of their own personal health information. Together we can make a difference.

Here are the four easiest ways for you to start protecting your privacy:

1. [Sign-up](#) for our e-mail alerts and updates to the Toolkit.
2. [Share](#) this brochure, the link to our Toolkit and our website with as many friends as possible.
3. Talk with your doctors. Ask them to opt out of the AMA database. You can use [Patient Privacy Rights AMA Opt-Out Form](#) to share with your doctor.
4. [Sign the Prescription Privacy Petition](#).