

## Health Information Compliance Alert

### Reader Question: F2F Visits Matter in the HIPAA and Free Sample Debate

**Question:** Our family practice frequently hands out free samples to patients. We had an outside billing firm tell us that this is a non-compliant practice. Is this accurate? Could we get into trouble for this?

Codify Subscriber

**Answer:** No. "In face-to-face encounters, the HIPAA Privacy Rule allows covered entities to give or discuss products or services, even when not health-related, to patients without a prior authorization," according to the HHS Office for Civil Rights (OCR). "This exception prevents unnecessary intrusion into the doctor-patient relationship."

The OCR continues, "Physicians may give out free pharmaceutical samples, regardless of their value. Similarly, hospitals may give infant supplies to new mothers. Moreover, the face-to-face exception would allow providers to leave general circulation materials in their offices for patients to pick up during office visits."

Therefore, if you hand out eyedrops or baby formula at no charge to your patients during face-to-face encounters, you shouldn't have any issues, as long as there are no conflicting state laws on the books in your area.