

Health Information Compliance Alert

YOU BE THE SECURITY EXPERT: ARE WE ALLOWED TO DISCLOSE PHI TO TELEMARKETERS?

Read the question below and decide how you would handle it before you compare it to our expert's advice.

Question: Are telemarketing companies ever permitted to access a patient's personal health information and use it to sell products to that patient?

Answer: Yes and no. According to the **Department of Health and Human Services**, covered entities can indeed disclose a patient's PHI to telemarketers, but only in the following two circumstances:

- The patient has given prior consent.
- The covered entity has entered into a business associate relationship with the telemarketer--and, in this case, PHI can only be used for communications that are not marketing, e.g. communications about that covered entity's own goods or services.