

The Dos and Don'ts of Patient Outreach

written by CPH Insurance | June 15, 2016

As medical practices become more and more concerned with profit margins, and new healthcare plans surge forward, it's essential for mental health practices to take precautions in how they present their practice.

[According to HIPAA](#), marketing is, *"A communication about a product or service that encourages recipients of the communication to purchase or use the product or service."*

This means above all, we must be careful with how we present the information we have. Our patients have to be protected – not all advertising can come from word of mouth, but protecting your practice means understanding how you can present how your treatment has changed your patients' lives. Here are some good guidelines for making your practice look credible without risking violating [HIPAA](#):

1. **Honesty is still the best policy:** Avoid the urge to exaggerate. HIPAA does not make exceptions – so before you make a claim, make sure it's factual and you have the evidence to back it up.
2. **Testimonial protection:** Using a patient's testimonial can be a great way to remind prospective patients how great your practice is! REMEMBER: the testimonial MUST be approved by the patient. You cannot just use a standard release form, either – HIPAA regulations and release forms are a must for staying safe when maneuvering your practice's advertise-ability. As per all health practices: DOCUMENT, DOCUMENT, DOCUMENT! Same goes for using patient photos – you must get and keep photo releases. This is one of the biggest legal dangers when advertising your practice!
3. **Mailing lists - need to can spam?** Direct marketing is ok, but no matter what, do not use lists from personal records! There are only 2 exceptions to this rule, so pay attention to these:
 1. A health care practice may reach out to its patient list if it is announcing the arrival of a new specialty (such as pediatric services) or acquiring new equipment (such as an MRI machine).
 2. A health plan can send direct mailing to subscribers when they are reaching Medicare eligible age, only to offer information on the Medicare supplemental plan and supply an application form.
4. **When is mailing ok?** The HIPAA Privacy Rule requires a consent using protected health information for marketing or advertising offers. There are two exceptions here as well: When offering promotional gift of minor value. When it occurs in a face-to-face encounter between the covered entity and the individual;

Still confused? If you have questions, just ask! We keep a live staff (no robots) available via phone at: **312-987-9823 or 800-875-1911**. You can discover more on these laws in the [HIPAA Marketing](#) section on HHS.gov.