**HIPAA Marketing Requirements for Audiologists**

- **Are you using Protected Health Information (PHI)?**
  - **YES**
    - Are you making a communication about a product or service that encourages recipients of the communication to purchase or use the product or service?
      - **YES**
        - Are you receiving remuneration for the communication?
          - **YES**
            - Authorization is needed for this marketing. Authorization should include reference to your receipt of remuneration.
          - **NO**
            - Not marketing—no authorization needed.
        - **NO**
          - Not marketing—no authorization needed.
      - **NO**
        - Are you providing PHI to a business associate or other entity so they can market their products to your patients?
          - **YES**
            - Authorization is needed for this marketing. Authorization should include reference to your receipt of remuneration.
          - **NO**
            - Not marketing—no authorization needed.
  - **NO**
    - No authorization needed.

- Are you making the communication for treatment, including case management or care coordination, or to direct or recommend alternative treatments, therapies, health-care providers, or settings of care to the patient?
  - **YES**
    - Are you making the communication to describe a health-related product or service (or payment for such product or service) that is provided by you?
      - **YES**
        - Are you making the communication for case management or care coordination, contacting of individual with information about treatment alternatives, and related functions to the extent these activities do not fall within the definition of treatment?
          - **YES**
            - Not marketing—no authorization needed.
          - **NO**
            - Marketing authorization required.
        - **NO**
          - Are you making this communication face to face with the patient?
            - **YES**
              - No authorization needed.
            - **NO**
              - Is the communication of nominal value?
                - **YES**
                  - No authorization needed.
                - **NO**
                  - Marketing authorization required.