

Federal Law Governs External Group E-mail Transmissions from UT Health Science Center

By Pamela Lewis, Public Affairs

Are you breaking federal laws when you send e-mails to groups outside the health science center? It's possible. To make sure you're doing the right thing, you might want to check out the following information provided by Information Services and the Office of Legal Affairs and Institutional Compliance.

E-mail is used daily in almost every industry today, says Arlene Staller, J.D., chief legal and compliance officer. "At The University of Texas Health Science Center at Houston, we may use e-mail to communicate with staff, faculty, students, alumni, contractors, research subjects and others on any number of topics. However, certain types of e-mails, particularly those that are commercial in nature can raise compliance issues because commercial e-mails are regulated by a federal law known as CAN-SPAM" (Controlling the Assault of Non-Solicited Pornography and Marketing Act).

Ask yourself the following questions to make sure you are in compliance with CAN-SPAM before sending out external group e-mails.

1a) Is the e-mail personal or does it contain transactional or relationship messages?

A transactional or relationship e-mail message is not commercial. CAN-SPAM exempts e-mails that facilitate, complete or relate to a transaction that the recipient has agreed to previously, such as:

- e-mails from a business to its customers about their accounts, product upgrades, or warranty information
- e-mails relating to a benefit plan in which the recipient is already enrolled
- e-mails related to an employer-employee relationship.

If your answer to Question 1a is that the message is personal, CAN-SPAM does not apply and e-mail may be sent without meeting the guidelines noted in 1b, below.

If your answer is "No" or if you are not sure whether your answer is "Yes" or "No," continue to Question 1b, following.

1b) Does the e-mail advertise or promote a product or service?

If so, the e-mail is commercial. That doesn't mean that the e-mail is spam. But it does mean that CAN-SPAM governs it, so the guidelines noted below must be followed.

- The e-mail must have a functioning return e-mail address (the "From" address) and a subject line indicating that the e-mail is an advertisement. For example, if you're sending unsolicited marketing e-mail, it is unlawful to include a subject line like, "Here's the information you requested."
- The e-mail must have the physical postal address of the sender. It must include: The University of Texas Health Science Center at Houston, 7000 Fannin, Houston, Texas 77030. Phone numbers are not required.
- The e-mail must include an opt-out mechanism to allow the recipient to unsubscribe from receiving future e-mails and that is clear about the scope of the opt-out.
 - Regardless of whether the recipient signed up to receive the e-mail or you sent it without permission, there must be a

conspicuous link within the message that allows them to opt-out or unsubscribe quickly and easily to discontinue receipt of your messages.

- If you send external commercial e-mail messages manually from your own e-mail address, you will need to provide a valid return e-mail address to which recipients can send an unsubscribe message in order to be removed from the list. Then, you will need to manually remove them from your distribution list.
- A department-specific opt-out in e-mails from the university should state clearly that the opt-out applies only to communications from that particular department and that the recipient might still receive promotional communications from other schools or departments in the university.
- If a subscriber chooses to opt out, you must comply with any requests to remove the address within 10 days of the request. The opt-out system must be capable of

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Contribute What You Can, Where You Can

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tions, and I looked at the solution taking place right in front of me. The dental team was made up of nearly 40 people who had stopped feeling bad and had started doing something about it. Like me, they weren't all able to pull teeth or diagnose a disease. But they could do something. And whatever that was, they were doing it. There was:

- someone to register the children,
- someone to entertain them as they waited for hours in the hot sun,
- someone to perform their screenings and diagnoses,

- someone to perform dentistry,
- someone to conduct post-procedure recovery, and
- even someone to get them a toy.

The person who handed them their toy was just as important as the person who pulled their teeth. And that's when I got it.

My skills, knowledge and reasons for being in Uganda were different from the dentists, dental assistants, sterilization crew or administrative professionals there. But they were just as important. They were what I could bring to the solution.

I could give these individuals a voice, tell their story, capture their faces, inspire others toward mission work and so much more.

As I talked, laughed, worked and sweated with Dr. Flaitz and Dr. Shetty through the African experience I realized that we are all human — different histories, different credentials, different experiences; but human just the same.

And whether it's on a mission trip or in our day-to-day jobs at the health science center, it's important to realize that titles or letters behind our names are not what make us valu-

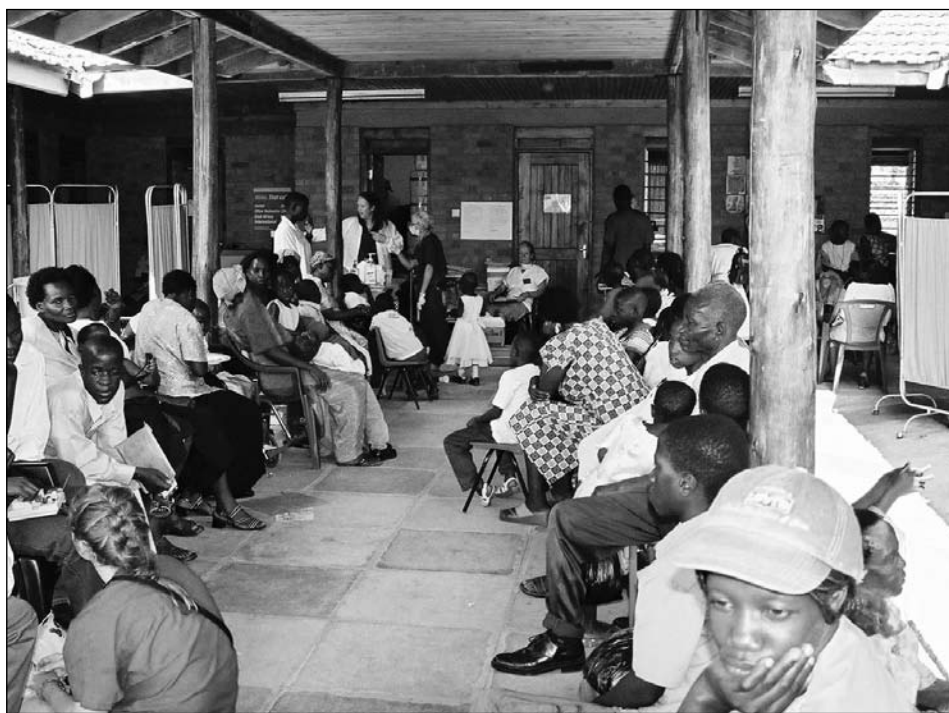
able. Our value comes from giving what we can give.

Whatever the situation of need may be, don't feel that you can't do enough. Just do. Doing is an action that is far more than enough — it's something. ★

Note: The full story on the dental mission trip to Uganda appeared in the April issue of Distinctions. Contact <http://www.mildmay.org.uk/MildInt.html> for information on ways you can help the residents and AIDS recovery organization of Kampala, Uganda, or contact Erika.Hargrove@uth.tmc.edu.



Catherine M. Flaitz, D.D.S., dean of the UT Dental Branch gives a much-needed hug to little Hawa, 4, while she waits for dental treatment. Photos by Erika E. Hargrove.



Residents wait here, sometimes for hours, to see the U.S. dental team at an AIDS clinic in Kampala, Uganda.

UT Physicians Commemorates 10 Years of Service

By Don Meade, UT Physicians

UT Physicians (UTP), the non-profit physician corporation affiliated with the practice plane of the Medical School, celebrates its 10th anniversary this year. UTP manages the Medical School's clinical group practice. Formerly known as University Care Plus, the name UT Physicians was adopted in September 2003 to better align the organization with the university and facilitate marketing and name recognition.

The organization's primary purpose is to facilitate and expand the Medical School faculty's ability to provide health care services to the community. Andrew Casas, UT Physicians vice president of Business Operations, added, "The goal of UT Physicians is to manage the UT Medical School's clinical practice so it can support the school's mission of education, research

and patient care. As we begin our 11th year, it's amazing when you look at the growth and prosperity UT Physicians has brought to the clinical practice and its increasing and considerable contribution to furthering the Medical School's mission."

At the beginning, UT Physicians handled contracts with managed care companies and managed the handful of Medical School outpatient clinics that were not operating under the Memorial Hermann Hospital umbrella.

In July 2000, UT Physicians took over management of the previously jointly managed UT-Memorial Hermann ambulatory care clinics, which are housed mostly in The University of Texas Health Science Center Professional Building in the Texas Medical Center.

Today, UT Physicians manages the business and operations of almost all Medical School clinics. UT Physicians provides an additional advantage to the Medical School's clinical faculty by comprehensively credentialing each of its physicians.

"Our clinics are managed with emphasis on customer satisfaction and physician productivity while incorporating medical student and resident education," said Diana Browning, UT Physicians vice president of Clinical Operations. "We're now past the 10-year goalpost and can clearly benchmark the advances made in the operation of the clinical practice. We've reaped the substantial benefits of those advances," added Browning.

UT Physicians' ventures include neighborhood outpatient centers where UT adult and pediatric specialists and primary care

physicians provide accessible, state-of-the-art health care. Building on its 10-year record of success, UT Physicians recently opened UT Imaging, a new outpatient diagnostic imaging center.

Organized as a 501 (a) corporation under the Texas Medical Practice Act and conforming to all requirements of the Texas Board of Medical Examiners, UT Physicians brings the operational flexibility to the Medical School practice plan it may not otherwise enjoy.

UT Physicians is one of the largest physicians' groups in the Houston-Galveston area with more than 650 faculty-appointed physicians certified in more than 80 medical and surgical specialties, both adult and pediatric. For more information about UT Physicians, call 1-888-4UT-DOCS or visit <http://www.UTdocs.com>. ★