

11 MARKETING

Revision Dates: August 15, 2014, September 1, 2016

Effective Date: January 1, 2014

1. PURPOSE

This policy establishes guidelines and restrictions for all MCOs awarded a contract and subcontractors of the MCO, or under contract with HSD to deliver health care services, for marketing and outreach activities referencing the managed care program.

2. DEFINITIONS

Health Education: Programs, services or promotions that are designed or intended to advise or inform the MCOs enrolled members about issues related to healthy lifestyles, situations that affect or influence health status, behaviors that affect or influence health status or methods of medical treatment.

Health Educational Materials: Materials that are designed, intended, or used for health education or outreach to the MCO's ~~actual~~ enrolled members. Health education materials include, but are not limited to: condition specific brochures, letters or phone calls, member newsletters, posters and member handbooks.

Incentives: Items that are used to encourage behavior changes in the MCO's enrolled members or health promotion incentives used to motivate members to adopt a healthy life style and/or obtain specific health care services. These may include but are not limited to:

- A. infant car seats or baby item giveaways
- B. gift cards
- C. manufacturer or coupons for savings on products; or
- D. service^s or any other objects that are designed or intended to be used in health education or outreach.

Incentives may not be used in conjunction with the distribution of alcohol or tobacco products.

Marketing: Any medium of communication that is written, audio/oral, personal face-to-face, or electronic, including any promotional activities, intended to increase the MCO's or subcontractor's membership or to "Brand" a MCO's or subcontractor's name or organization.

Marketing Materials: General audience materials such as: general circulation of brochures, flyers, newspaper, phone book advertisements, websites and/or any other materials that are designed, intended, or used for increasing the MCO's or subcontractor's membership or establishing a brand. Such marketing materials may include but are not limited to: scripts, provider directories, leaflets, posters or any material that is distributed or circulated by the MCOs and subcontractors, including providers (e.g. personal care providers).

Outreach: Any means of educating or informing the MCO's enrolled members about health issues. See also "health education" and "retention".

Outreach Materials: Materials that are designed, intended, or used for health educational or outreach purposes only to the MCO's enrolled members. See "Health Education Materials".

Event Promotion: Any activity in which any approved marketing materials are given away or displayed where the intent is to provide health education and/or outreach.

~~**Event Promotional Materials:** See "marketing materials".~~

Provider: A hospital/hospital staff, physician/physician staff, pharmacy/pharmacist, ancillary service providers and their staff, personal care/homemaker providers and their staff.

3. POLICY

Marketing is the information intended for the general public about the existence of the MCO and its subcontractors and the availability of the MCO as an enrollment option for people upon being deemed eligible to for services through ~~Managed Care~~ Centennial Care.

Outreach is communication with enrolled members for the purpose of member retention, and improving the health status of enrolled members. Retention efforts must be directed to currently enrolled members who are determined to be at risk for attrition, or analysis of membership trends such as decreased utilization of preventative services.

For marketing, outreach, retention activities and materials, the MCO must ~~first~~ submit for review and prior approval ~~to by~~ HSD. In addition to the approval, the MCO must provide HSD with a copy of the approved materials, advertising copy or publication in which the ad will be placed.

~~4~~A. Materials

The use of any material, including those that pertain to incentives, marketing, outreach, and promotions must have prior approval from the HSD Marketing Committee. Materials that have been previously approved but will be included in a specific activity must also be included in the MCO's submission for review and approval by HSD.

MCOs shall review all material on a regular basis and revise materials as necessary. Any revised or updated material previously approved must be submitted to HSD ~~in advance~~ for approval.

B. Events

MCOs may participate in health-related marketing and outreach events. Events must be health related or have health education components. MCO participation in these events must be substantive; an unmanned booth(s) with handouts is not acceptable.

The MCO shall submit to the HSD Marketing Committee all marketing outreach events in which the MCO participated. Participation includes, but is not limited to,

having a booth at the event, financially contributing to the event and/or having a presence at the event.

C. Marketing and Outreach Plan

The MCO shall submit an annual Marketing & Outreach Plan as well as a quarterly report which outlines the MCO's activities. ~~The report shall include the following: The HSD Marketing Committee and HSD MCO Contract Manager will review the MCOs annual Marketing & Outreach plan and quarterly report to determine if the MCOs participation in any events were in violation of this policy. If HSD determines the MCO was in violation of this policy, the MCO may be subject to sanctions. Failure by the MCO to disclose any event attended may also result in Administrative Action.~~

D. MCO Health Plan Name and Logos

MCO Health Plan Name and Logos can be included on event flyers or websites that are produced by hosting organizations without prior approval. MCO must monitor ~~and police~~ their health plan name and logo use to prevent misuse.

E. HSD Marketing Committee Approval

The HSD Marketing Committee will attempt to approve or deny marketing requests within 15 business days of the receipt of the complete request. The "15 day" timeframe for approval or denial shall only apply to the specific date of the initial submission. Modifications of any type would need to be resubmitted, which may delay approval.

F. Restrictions

The following restrictions apply to all marketing, outreach and retention activities. The following shall not be allowed:

- a. Incentive items such as t-shirts, buttons, balloons, key chains, etc. unless the intent of such a give-away is outreach in nature (i.e. for educating members about benefits of safety, immunizations, well-care, or as a "reward/incentive" for member accessing care as part of an approved incentive program). All incentive items must be prior approved by the HSD Marketing Committee.
- b. Solicitation of any individual face-to-face, door-to-door or cold call telemarketing, including that of the MCO's subcontractors;
- c. Any reference to competing plans;
- d. Promotional materials, incentives, or any other activity to influence enrollment in conjunction with the sale or offering of any private insurance;
- e. Unsolicited direct mail advertising, including that of the MCO's subcontractors;
- f. Marketing of non-covered services;
- g. Reference to the word "free" for any covered service;
- h. Use of HSD/MAD logo;
- i. Inaccurate, misleading, confusing or negative information about HSD, or statements designed to recruit potential members, including that of the MCO's subcontractors;
- j. Discriminatory marketing practices; and
- k. The MCO may not encourage or persuade the member to select a particular MCO plan or subcontracted provider when completing specific applications or

forms. The MCO or its subcontractor may not complete any portion of the application forms on behalf of the potential enrollee. The prohibition covers all situations, whether sponsored by the MCO, its parent company, or any other entity.

k.l. HSD reserves the right to impose additional restrictions at any time.

4. HSD REVIEW OF MCO MATERIALS

~~When materials are submitted for review, t~~The MCO shall ensure that all materials submitted to HSD for review meet the following criteria:

a. All materials shall include information that describes what the submission is, its purpose and what population (if applicable) it will target. This information may be submitted in form of a cover letter, MCO Contractor plan form, or in the body of an email.

b. All materials two or more pages must be numbered.

c. All materials must be 6th grade reading level or lower and each submission must provide the reading level with and without, proper names, medical terminology, etc.

d. All materials must indicate if a translated version will be made available to the member and or how the member can request a translated version.

e. All materials must be submitted timely and at least 30 calendar days prior to use allowing the HSD Marketing Committee at least 15 business days to review. If an "Expedited" review is needed, please submit and allow at least five (5) business days for review and approval or request special accommodations for unique circumstances.

f. All materials used for any type of Medicaid or managed care training purposes must be submitted for review and approval before training occurs (i.e. handouts, power points, etc.). If MCO plans are collaborating and conducting one training using the same power point presentation, one MCO plan should be designated and submit the material on behalf of all MCOs (e.g. Annual Tribal Meetings).

~~a.g.~~ All materials identify the MCO as an HSD/MAD managed care provider and are consistent with all the requirements for information to members described in the contract, regulations and managed care policies and procedures.

~~b.h.~~ All materials shall specify "Such services are funded in part with the State of New Mexico".

~~e.a.~~ ~~All materials shall include information that describes what the submission is, its purpose and what population (if applicable) it will target. This information may be submitted in form of a cover letter, MCO Contractor plan form, or in the body of an email.~~

~~d.a.~~ ~~All materials two or more pages must be numbered.~~

~~e.a.~~ ~~All materials must be 6th grade reading level or lower and each submission must provide the reading level with and without, proper names, medical terminology, etc.~~

~~f.a.~~ ~~All materials must indicate if a translated version will be made available to the member and or how the member can request a translated version.~~

~~g.a.~~ ~~All materials must be submitted timely and at least 30 calendar days prior to use allowing the HSD Marketing Committee at least 15 business days to review. If an~~

~~“Expedited” review is needed, please submit and allow at least five (5) business days for review and approval or request special accommodations for unique circumstances.~~
~~h.a. All materials used for any type of Medicaid or managed care training purposes must be submitted for review and approval before training occurs (i.e. handouts, power points, etc.). If MCO plans are collaborating and conducting one training using the same power point presentation, one MCO plan should be designated and submit the material on behalf of all MCOs (e.g. Annual Tribal Meetings).~~

- i. All materials that correspond with each other should be submitted to HSD for review together, in lieu of separate submissions.
- j. All approved materials shall be provided in a printed, hard copy to the HSD Marketing Liaison in the English and translated Spanish version (if applicable).
- k. Outreach material may not include the words: “free”, “join”, “enroll”, “sign up” or similar verbiage unless approved by the HSD Marketing Committee. If the MCO intends on using such language in any of the materials, the request for approval must include how the message is related to an Outreach goal.

~~l. The MCO shall ensure that subcontractors are advised that they too must comply with this policy. All materials must be submitted by all subcontractors to the MCO for review and approval based on the MCO specific policies and procedures for marketing.~~

5. SANCTIONS/PENALTIES

Any violation of this policy may result in the sanctions as described in 7.3 of the contract.

The MCO shall ensure that subcontractors are advised that they must comply with this policy. All materials must be submitted by all subcontractors to the MCO for review and approval based on the MCO specific policies and procedures for marketing.

~~The MCO Contractor shall ensure that all subcontractors are advised that they must comply with this policy.~~ Failure of a subcontracted provider to adhere to this policy may result in sanctions/penalties to the Contractor contracted with such a provider.

~~All s~~Subcontractors ~~must_ may~~ only advertise the services ~~in which~~ they provide and ~~must_ may~~ not make any reference to HSD/MAD Programs, Medicaid or services ~~in which_ that~~ the MCO Contractor provides.

A. Temporary Sanctions/Penalties

Any activities or materials found in violation of this policy will be subject to sanction regardless of previous approval or terms in contractual agreements. The MCO Contractor will be placed on “Moratorium” status and will not be allowed to advertise via the following:

- a. Television advertising
- b. Internet advertising
- ~~a.c.~~ Print advertising;
- ~~b.d.~~ Radio advertising;
- ~~e.e.~~ Billboards;
- ~~d.f.~~ Bus Wraps (including bus stops)

The MCO Contractor will monitor its subcontractors found in violation of this policy and impose ~~any temporary~~ sanctions for marketing or advertising of the subcontractors services

and/or business.

The HSD Marketing Review Committee will review the “Moratorium” status on an annual basis, or at HSD’s discretion, to determine if the MCO ~~Contractor~~ or its subcontractor is now deemed compliant.

6. REFERENCES

1. 42 CFR 438.104, 42 CFR 438.10, 42 CFR 431.12, 42 CFR 431.307
2. HSD/MAD Managed Care Contract