

Connecticut Department of Social Services Marketing Guidelines

CHNCT is required to provide our Network Providers with the Connecticut Department of Social Services (“the Department” or “DSS”) Marketing Guidelines that apply to the HUSKY A, HUSKY B and Charter Oak programs. The DSS Marketing Guidelines are as follows:

The MCO shall obtain prior approval from the Department for all MCO-specific marketing activities and materials targeting the HUSKY and Charter Oak populations, including, but not limited to:

1. Annual marketing plans and revisions to such plans, including description of proposed marketing approaches and marketing procedures.
2. HUSKY or Charter Oak application materials or information that mentions Medicaid, Medical Assistance, Title XIX, Title XXI State Children’s Health Insurance Program (SCHIP), HUSKY or Charter Oak.
3. The use of the HUSKY or Charter Oak logo and name in their marketing materials, subject to the following:
 - a. The HUSKY logo shall be used in conjunction with and placed in the vicinity of the HUSKY name or the following language unless alternative language has been prior approved by the Department.
 - *HUSKY gives families the freedom of choice to enroll in one of several participating health plans. Toll-free information: 1-877-CT-HUSKY;*
 - *A HUSKY health plan, 1-877-CT-HUSKY.*
 - b. The Charter Oak logo shall be used in conjunction with and placed in the vicinity of the Charter Oak name or the following text unless alternative text has been prior approved by the Department.
 - *Charter Oak gives families the freedom of choice to enroll in one of several participating health plans. Toll-free information: 1-877-77-CTOAK;*
 - *A Charter Oak health plan: 1-877-77-CTOAK*
 - c. The font size for the HUSKY and/or Charter Oak phone number shall not be smaller than the MCO’s phone number.
4. Corporate marketing that includes HUSKY A, HUSKY B or Charter Oak. No prior approval is required for corporate marketing that exclusively promotes the corporate brand and does not mention HUSKY or Charter Oak.

The MCO shall not promote its managed care plan through misleading, inaccurate or deceptive electronic, printed or artistic materials characterized by the following:

1. **Accuracy:** The MCO shall present accurate material. The Department will disallow any information that it determines is inaccurate (including misleading or exaggerated). This includes, but is not limited to, inaccurate statements about the nature of the eligibility or enrollment process, the positive attributes of the managed care plan, about the disadvantages of competing managed care plans or implying that a given managed care plan is the only HUSKY or Charter Oak managed care plan;
2. **Misleading or Exaggerated Claims:** The MCO shall not present misleading or exaggerated claims about the MCO’s positive attributes. Misleading references include, but are not limited to, any MCO advertisement that its health care services are free to its Medicaid (HUSKY A) Members since potential Members could conclude from the advertisement that only this managed care plan provides free services. The MCO may differentiate itself by promoting its legitimate positive attributes;
3. **Endorsements:** The MCO shall not present false or misleading statements or assertions that the MCO or any of its products is endorsed by the Department or the Centers for Medicare and Medicaid Services (CMS) or any other governmental entity;

4. **Threatening Messages:** The MCO shall not create, advertise or present threatening implications about the Department's mandatory assignment process for HUSKY A or HUSKY B Members or other aspects of HUSKY A, HUSKY B or Charter Oak or create, advertise or present threatening scenarios that do not accurately depict the consequences of choosing a different managed care plan including, but not limited to those messages that suggest that a potential Member by not selecting a particular managed care plan or the failure to join a particular managed care plan would lose or not qualify for HUSKY or Charter Oak benefits or would endanger the Member's health status, personal dignity or the opportunity to succeed in various aspects of their lives;
5. **Deceptive Practices:** The MCO shall not engage in deceptive, fraudulent or abusive practices for any purpose including but not limited to enticing prospective Members to change managed care plan membership or to retain managed care plan membership;
6. **Discrimination:** The MCO shall not discriminate against any eligible individual on the basis of health status or need for future health care services;
7. **Parallel Promotions:** The MCO shall not promote enrollment in HUSKY A, HUSKY B or Charter Oak or the MCO in conjunction with the sale or offering of private insurance (exclusive of dental and other riders approved in advance by the Department and offered by the MCO to Charter Oak clients for purchase); and
8. The MCO shall not influence enrollment in conjunction with the sale or offering of any private insurance (exclusive of dental and other riders approved in advance by the Department and offered by the MCO to Charter Oak clients for purchase).

The MCO shall distribute marketing materials to its entire service area.

The Department will review materials submitted for Department approval and respond to review requests from the MCO within thirty (30) days from the receipt of the material. If the Department does not respond to materials submitted for approval within thirty (30) days, the MCO may use the materials as presented to the Department. However, the Department reserves the right to request revisions or recall specific materials at any time.

MCO representatives shall not actively solicit new Members at provider sites.

MCO representatives shall not distribute materials at DSS offices including hospital located eligibility offices and shall not position their representatives at or near DSS eligibility offices or at the sites of DSS contractors for the purposes of marketing and solicitation; however, the MCO may provide its materials to the Department, who will display those materials.

The MCO shall not conduct personal, small group or face-to-face marketing activities except as provided below.

The MCO shall distribute this section of the contract to all its network providers and prohibit providers from marketing or promoting any managed care plan. Network providers may display Department-approved materials and brochures. Providers may inform their patients of the managed care plans in which they participate and may explain that the patients must enroll in one of these managed care plans if they wish to preserve their existing relationship.

The MCO shall not market or promote its managed care plan through any means of telemarketing, mass mailings or any other means by which the MCO may establish unsolicited personal contact with potential Members; however, the MCO may respond with permitted information to unsolicited telephone calls from potential Members and may return calls to them when the potential Member requests a return call. The MCO may also provide Department-approved materials when requested by a potential Member. Notwithstanding this provision, an MCO may send a limited amount of unsolicited mail to actual Charter

Oak Members regarding the availability of dental and other riders approved in advance by the Department and offered by the MCO to Charter Oak clients for purchase. The MCO may also discuss these riders with potential Members during routine contacts initiated by the potential Members. However, the MCO may not make unsolicited calls or other contacts to potential or actual Charter Oak Members about these riders.

The MCO shall not conduct promotional group meetings or individual solicitation with potential Members at:

1. The offices of the MCO;
2. Private clubs;
3. Private residences including, but not limited to, situations where the potential Member desires and/or requests a home visit. MCO staff may visit Member homes after enrollment becomes effective, as part of their orientation/ education efforts; and
4. Employer sites, including but not limited to, soliciting employees directly or soliciting employers to promote the MCO to their employees or customers.

The MCO may conduct outreach or market their managed care plan at events and meetings open to the general public including those events held at public facilities, churches, health fairs or other community sites and those they organize or sponsor when the MCO:

1. Notifies the Department in advance of such meetings by submitting to the Department on a monthly basis schedules or calendars of educational and marketing events for the following month. The schedules shall contain sufficient information to allow the Department to attend the events and to monitor them;
2. Utilizes the Department-approved materials in the presentations and complies with the Department's marketing guidelines; and
3. Restricts their information request from potential Members to their name, address, phone number and family size.

The MCO and its marketing staff or representatives shall not under any circumstance request or require personal contact information of potential Members in return for a gift item nor access the following personal information from the MCO's data bank or from the potential Member or any other source: social security numbers, birth dates or children's names or any other individual information related to family members or potential Members.

The MCO (and its providers) may disseminate promotional token gifts of nominal value (magnets, pens, bags, jar grippers, etc.) at approved events and with approved materials to potential Members when:

1. The Department has approved them in advance of their dissemination; and
2. Their unit cost value is less than two dollars (\$2) and the aggregate cost per potential Member shall not knowingly exceed four dollars (\$4) per occasion.

The MCO may provide the following to Members when the Department has approved the items and the criteria for distributing the items before the MCO distributes them:

1. Token gifts to Members including magnets, phone labels and other nominal items that promote the MCO's care coordination programs (e.g. through advertising the Member Services hotline and/or the PCP office phone number) or to reinforce medically "good" behavior (e.g. baby T-shirt showing immunization schedule once a woman completes targeted series of prenatal visits);
2. "Welcome" packets sent to new Members; and
3. Health education materials; which include but are not limited to, videos, CDs, DVDs, cassettes and other media.

The MCO shall not provide or sponsor incentives unless explicitly approved by the Department. Such incentives include, but are not limited to:

1. Cash or gifts, including gift certificates, to Member or potential Members;
2. Gifts of any kind to agencies that host meetings with potential Members;
3. Beverages or light refreshments at marketing events or in conjunction with marketing activities; and
4. Raffles in association with marketing-related activities or for the purpose of collecting information for marketing activities.

The MCO shall not coerce or intimidate Members from changing their managed care plan through enticements or performing the action on behalf of the Member.

The MCO may disseminate general health information materials to their Members without prior approval from the Department however; the MCO shall submit a copy of the general health information materials to the Department upon initial distribution.

The MCO may conduct health education and prevention activities at FQHCs and other provider sites when the MCO notifies the Department of such events through its monthly schedule or calendar, the materials conform to the relevant provisions of the Marketing Guidelines and such activities are not associated with marketing or promotional activities.

The MCO shall follow Department-approved procedures when approached by Members or potential Members including:

1. An MCO representative shall use an approved script when promoting the MCO's managed care plan.
2. MCO representatives may provide potential Members the use of their cell phones to call the enrollment broker when the potential Member initiates an interest in calling the enrollment broker and requests the use of a phone. However, before providing a phone, the MCO representative shall advise the potential Member that:
 - a. The potential Member has a choice of which managed care plan to select; and
 - b. The potential Member should request the enrollment broker to verify that his/her PCP is included in the managed care plan that he/she has selected.
3. An MCO representative may dial the telephone number to the enrollment broker, however, when the enrollment broker answers the telephone, the MCO representative shall identify him/herself by name and managed care plan to the enrollment broker and then hand the phone over to the potential Member. The MCO representative shall provide the potential Member privacy when he/she is on the phone with the enrollment broker. For purposes of this provision, privacy means that the MCO's representative shall remove himself/herself physically from the area so he/she cannot overhear the conversation between the potential Member and enrollment broker.
4. An MCO representative shall not call the enrollment broker or utilize a third party and change the managed care plan on behalf of a potential Member.
5. An MCO representative shall not coach or coerce potential Members during or after the use of the telephone for a call with the enrollment broker.
6. An MCO representative may attempt to contact a potential Member not more than twice following an initial contact at an event to follow-up.

The MCO shall not compensate marketing staff, whether they are employees, independent contractors, independent insurance brokers or marketing representatives, through the use of a per Member incentive for managed care plan changes or enrollment and shall hold the Department harmless for any and all claims, complaints or causes of actions that shall arise as a result of this contractually imposed salary,

benefits and other compensation structure for marketing representatives through the use of a per Member incentive or similar bonus type of reimbursement.

The MCO shall implement policies and procedures to manage the actions of marketing staff to ensure compliance with marketing guidelines.

The MCO shall obtain the Department's prior approval for marketing/ outreach training curricula for marketing personnel. Such material shall include, at a minimum, marketing and outreach expectations and limitations and these guidelines and shall require all its marketing personnel to participate in training sessions that the Department may develop or require.

Expenditures on marketing and marketing-related activities shall not exceed one percent (1%) of the MCO's administrative expenditures during the first three years of the resultant contract. Marketing expenditures shall not exceed one half of one percent (0.5%) of administrative expenditures during the last two years of the resultant contract.

The following grid provides a summary of the Marketing Guidelines:

	Permitted = 1	Not Permitted = 2	Permitted with DSS Approval = 3		
	Marketing Guidelines Summary				
			1	2	3
1	Marketing materials and approaches				X
2	MCO marketing in provider care sites			X	
3	MCO advertising in DSS-eligibility offices, including hospital-based				X
4	Face-to-face allowed marketing activities				X
5	Provider communications with Medicaid patients about MCO options				X
6	Potential Member-initiated telephone conversations with MCO and Provider staff	X			
7	Mailings by MCO in response to potential Member requests				X
8	Unsolicited MCO mailings			X	
9	Cold calling and telemarketing			X	
10	MCO group meetings held at MCO			X	
11	MCO marketing at public facilities such as churches, health fairs				X
12	MCO group meetings held in private clubs or private homes			X	
13	Individual solicitation at residences			X	
14	Marketing at employer sites and employer solicitation			X	
15	Gifts, cash, incentives or rebates to potential Members				X
16	Raffles to prospective Members			X	
17	Gifts to Members for specific health events				X
18	Phoning by potential Members from health care provider locations			X	
19	Beverages and light refreshments for potential Members at meetings			X	
20	Use HUSKY or Charter Oak name and logo (as specified)		X		
21	Generic Health Education materials		X		
22	HUSKY or Charter Oak specific Health Education materials				X
23	Health education and prevention activities at provider sites, as specified		X		
24	Soliciting contact information from members, prospective Members, as specified				X
25	Communication with Members by marketing/ outreach staff, telephone use, as specified only				X