

## 101 – MARKETING

EFFECTIVE DATES: 10/01/10, 01/19/12, 08/01/13, 05/01/14, 10/01/15, 11/01/15, 07/01/16,  
04/18/17, 10/01/18

REVISION DATES: 11/08/10, 01/19/12, 08/01/13, 03/20/14, 06/30/14, 08/20/15, 10/15/15,  
04/07/16, 02/16/17, 06/13/18<sup>1</sup>

### I. PURPOSE

This Policy applies to ~~Acute~~ AHCCCS Complete<sup>2</sup> Care (ACC), ALTCS/EPD, and DES/DDD (DDD) Contractors as delineated within Policy. This Policy establishes ~~guidelines~~ requirements<sup>3</sup> and restrictions for Contractors regarding marketing activities related to the AHCCCS program.

### II. DEFINITIONS

#### ADMINISTRATIVE SERVICES SUBCONTRACT

An agreement that delegates any of the requirements of the Contract with AHCCCS, including, but not limited to the following:

1. Claims processing, including pharmacy claims,
2. Credentialing, including those for only primary source verification (i.e. Credential Verification Organization),
3. Management Service Agreements,
4. Service Level Agreements with any Division or Subsidiary of a corporate parent owner,
5. DDD acute care subcontractors.

Providers are not Administrative Services Subcontractors.<sup>4</sup>

#### DUAL ELIGIBLE

A member who is eligible for both Medicare and Medicaid.

#### DUAL MARKETING

Marketing efforts specifically targeting a Contractor's member who is eligible for Medicare and Medicaid.

#### FINANCIAL SPONSOR

Any monies or in kind contributions provided to an organization, other than attendance fees or table fees, to help offset the cost of an event.

<sup>1</sup> Date presented at APC Meeting

<sup>2</sup> Updated per new contractor changed throughout Policy

<sup>3</sup> Updated to "requirements" for consistency

<sup>4</sup> Definition found in ACC Contract

**HEALTH MESSAGE**

A slogan or statement on marketing materials to promote healthy lifestyles, situations that affect or influence health status, behaviors that affect or influence health status, or methods or modes of medical treatment.

**HEALTH RELATED**

An item/giveaway/event is considered 'Health Related' if it that is considered health related if it that has a direct or indirect health care purpose, and/or it supports or contributes to any AHCCCS initiative or program goal. An item/giveaway items must have a Health Message or a health care purpose to be considered health related<sup>56</sup>

**MARKETING**

Any communication from Contractors to a member not enrolled with the Contractor that can reasonably be interpreted as intended to influence the member to enroll with the Contractor, or to not enroll or disenroll with another Contractor's Medicaid product—as described in 42 CFR 438.104. Marketing does not include communication to any Medicaid member about a Qualified Health Plan, as defined in 45 CFR 155.20.

For the purposes of this Policy, Marketing contrasts with Member Information found in ACOM Policy 404, which addresses guidelines—requirements<sup>7</sup> and restrictions for Contractors related to member and potential member information and activities.

**MARKETING MATERIALS**

Materials produced in any medium, by or on behalf of the Contractor that can reasonably be interpreted as intended for marketing purposes. This includes general audience materials such as general circulation brochures, Contractor's web-site and other materials that are designed, intended, or used to increase Contractor membership or establishing a brand. Examples include, but are not limited to: scripts or outlines for member services representatives, provider directories, brochures or leaflets that are distributed or circulated by any third party (including providers), and posters.

**MEMBER**

A Medicaid recipient who is currently enrolled with a Contractor.

<sup>5</sup> Included new definition for clarity as it is referenced on page 3

<sup>6</sup> POST APC Change- revised definition for clarity

<sup>7</sup> Replacing guidelines with requirements throughout Policy

**POTENTIAL MEMBER**

A Medicaid-eligible recipient who is not yet enrolled with a Contractor or a member –during Annual Enrollment Choice (AEC).

**PROMOTION**

Any activity in which marketing materials are given away or displayed ~~where~~with the intent ~~is~~ to increase the Contractor’s membership.

**SOCIAL NETWORKING APPLICATIONS**

~~Web based services/platforms (excluding the Contractor’s State mandated website content, member portal, and provider portal) for online collaboration that provide a variety of ways for users to interact, such as e-mail, comment posting, image sharing, invitation and instant messaging services – collectively also referred to as social media (e.g. Facebook).<sup>8</sup> Web based services (excluding the Contractor’s State mandated website content, member portal, and provider portal) that provide a variety of ways for users to interact, such as e-mail, comment posting, image sharing, invitation and instant messaging services.~~

**SUBCONTRACTOR<sup>9</sup>**

1. A provider of health care who agrees to furnish covered services to members.
2. An individual, agency or organization with which the Contractor has contracted or delegated some of its management/administrative functions or responsibilities.
3. An individual, agency or organization with which a fiscal agent has entered into a Contract, agreement, purchase order or lease (or leases of real property) to obtain space, supplies equipment or services provided under the AHCCCS agreement.

**III. POLICY**

~~As required by 42 CFR 438.104, Marketing Materials may only be utilized if they are approved by AHCCCS and comport with this Policy. Contractor Marketing activities are limited to those defined by this Policy. In addition, to obtaining approval of the advertisement, approval of<sup>10</sup> the publication in which the ad will be placed is also required.<sup>11</sup> Contractors’ Mmarketing activities are limited to those defined by this Policy. As required within 42 CFR 438.104, Mmarketing Materials may only be utilized if they are approved by AHCCCS and comport to this Policy. In addition to approval of advertising copy, approval of the publication in which the ad will be placed is also required.~~

<sup>8</sup> Updated with definition taken from ACOM 425

<sup>9</sup> POST APC CHANGE: Added definition of Subcontractor found in ACC contract

<sup>10</sup> POST APC CHANGE: added “approval of”

<sup>11</sup> Added for better flow suggested by Policy team

The Contractor is responsible for ensuring its ~~Administrative Services~~ Subcontractors comply with this Policy. Failure of an ~~Administrative Services~~<sup>12</sup> subcontracted provider Subcontractor<sup>13</sup> to adhere to this Policy may result in administrative actions<sup>14</sup> ~~Sanctions/penalties~~ to the Contractor.

#### **A. MARKETING MATERIALS, GIVE-~~A~~WAYS, EVENTS, SPONSORSHIPS, PRESS RELEASES AND CONTRACTOR LOGO AND NAME USE**

##### **1. Materials and Give-~~A~~ways<sup>15</sup>**

Member materials that have been previously approved as ~~M~~member information under ACOM Policy 404 may be used during ~~M~~marketing activities only if they comply with the requirements of this Policy.

The Contractor ~~must~~shall<sup>16</sup> submit ~~a descriptive sample~~description and image<sup>17</sup> of ~~M~~marketing ~~M~~materials and ~~M~~marketing items (giveaways) to the AHCCCS Marketing Committee<sup>18</sup> for approval ~~to AHCCCS as required under this Policy~~. If approved, the materials and giveaways may be distributed by the Contractor for a period of two years from the date of approval. ~~The materials and giveaways must~~shall be resubmitted to AHCCCS for approval if the Contractor makes a substantial change to the item. Any changes or amendments to previously approved materials mustshall also be submitted in advance to AHCCCS for approval.<sup>20</sup> In addition to ~~M~~marketing ~~m~~Materials and giveaways, the Contractor ~~may~~shall submit templates for flyers or posters that advertise regular meetings or events where only the dates and times of the events change. If approved, these templates may be distributed by the Contractor for a period of two years from the date of approval.

The Contractor may distribute health educational materials without prior AHCCCS approval. The materials mustshall be health-related and developed based on information from a recognized organization. For a list of approved recognized organizations see ACOM Policy 404, Attachment A. ~~If, however~~<sup>21</sup>, ~~these M~~materials that include Contractor-specific information related to the AHCCCS Medicaid Contract (e.g. enrollment, network or information on services) ~~the materials~~<sup>22</sup> are considered mMarketing ~~m~~Materials and<sup>23</sup> mustshall be submitted for approval.

<sup>12</sup> POST APC Change: this is applicable to all Subcontracts, including Administrative Svcs Subcontractors

<sup>13</sup> Change to be more specific

<sup>14</sup> Replaced 'sanctions/penalties' with 'administrative actions' throughout Policy for consistency

<sup>15</sup> POST APC CHANGE: revised throughout policy to 'giveaways'

<sup>16</sup> 'must' replaced with 'shall' throughout policy for consistency

<sup>17</sup> Revised to description and image for clarity

<sup>18</sup> Clarity

<sup>19</sup> Current sentence conflicts with section D(2)

<sup>20</sup> Added for clarity

<sup>21</sup> clarification

<sup>22</sup> Restructured sentence for flow

<sup>23</sup> Added for clarity

The Contractor shall ensure that:

- a. The value of any ~~single~~<sup>24</sup> ~~marketing item~~<sup>25</sup> (give-away ~~item~~) to the general public by the Contractor ~~shall~~<sup>does</sup> not exceed \$15.00, ~~with a maximum aggregate value of \$75 per person, per year~~<sup>26,27</sup>;
- b. Give-away items ~~are~~ ~~shall bear~~ ~~Health R~~related (e.g. toothbrush, dental floss). ~~If the give-away item is not Health R~~related ~~or if non health related~~ (e.g. cups, key chains, buttons, t-shirts), ~~the give away shall include~~ a ~~Health M~~message ~~shall be on the item itself~~<sup>28</sup> (e.g. Don't Smoke, Get Your Flu Shot)<sup>29</sup>;
- c. All materials identify the Contractor as an ~~AHCCCS Contracted Managed Care Organization (MCO)~~<sup>29</sup> ~~AHCCCS provider~~ and are consistent with the requirements for information to ~~members~~<sup>Members</sup> described in the ~~e~~Contract and AHCCCS policies<sup>30</sup>;
- d. All ~~marketing~~<sup>30</sup> materials that have been produced by the Contractor and refer to ~~e~~Contract services ~~shall~~ specify: "Contract services are funded under contract with the ~~AHCCCS~~<sup>31</sup> State of Arizona"<sup>32</sup>;
- ~~e.~~ Marketing ~~m~~Materials that are distributed by the Contractor shall be distributed to its entire contracted Geographic Service Area (GSA). Exclusion of any particular group or class of ~~members~~<sup>Members</sup> ~~is~~ would be considered ~~to be~~ a discriminatory ~~m~~Marketing practice and ~~may~~ subject ~~the Contractor~~ to ~~administrative actions~~<sup>33</sup>, ~~Sanction~~, and;
- ~~e.~~
- ~~f.~~ The Contractor does not encourage or ~~attempt to~~ induce a ~~member~~<sup>Member</sup> to select a particular Contractor when completing ~~the an~~ application ~~for enrollment~~<sup>33</sup> and may not complete any portion of the application on behalf of the ~~P~~potential ~~M~~member. This prohibition covers all situations, whether sponsored by the Contractor, their parent company, or any other entity.

## 2. Events

The Contractor may participate in health-related ~~m~~Marketing events that are listed in Figure 1 in the "Pre-Approved" column. However, all events that are listed in this "Pre-Approved" column ~~must~~<sup>shall</sup> either be ~~Health R~~related or have a health education component (e.g., celebration events-). All marketing items/giveaways used or distributed at the events shall be submitted to the Marketing Committee for

<sup>24</sup> ~~clarification~~

<sup>25</sup> ~~POST APC CHANGE: deleted marketing item, added item next to give-away~~

<sup>26</sup> ~~POST APC CHANGE: removed "max aggregate value of \$75"~~

<sup>27</sup> ~~Per 42 CFR 422.2268, 423.2268 (included maximum value of \$75 based on managed care rule changes~~

<sup>28</sup> ~~clarification~~

<sup>29</sup> ~~Added new term to align to ACC contract~~

<sup>30</sup> ~~POST APC CHANGE: added marketing~~

<sup>31</sup> ~~Revised language to align ACOM 406~~

<sup>32</sup> ~~POST APC CHANGE: changed back to "State of Arizona"~~

<sup>33</sup> ~~Clarifying which application~~

approval as specified in ~~Section A(1)~~ this Policy<sup>34</sup>. If the event is not listed as a “Pre-Approved” event, the Contractor ~~must~~shall submit a request to the AHCCCS Marketing Committee for prior approval. ~~The submission should~~submission shall<sup>35</sup> ~~including~~ the event name and date with the location and address. ~~to the AHCCCS Marketing Committee for prior approval~~. The Contractor’s ~~participation in~~participation in events ~~must~~shall be substantive; ~~an~~ an unmanned booth with handouts is not acceptable. ~~shall~~—The Contractor is not required to obtain approval from AHCCCS to attend ~~p~~Pre-aApproved events listed in Figure 1 of this Policy, with the following exceptions:

- a. Contractor pays sponsorship fees;<sup>36</sup>
- b. Contractor donates benefits or items (e.g. raffle items, gift baskets, cash);<sup>37</sup> and/or
- c. Contractor distributes materials not previously approved by AHCCCS within the last two years.

The Contractor is prohibited from marketing at<sup>36</sup> ~~may not attend~~ events that are listed in the “Not-Approved” column in Figure 1 of this Policy, or any event determined by AHCCCS to not be in the best interest of the State of Arizona.

~~If the Contractor is not certain if an event would qualify as “Pre-Approved”, the Contractor must~~shall submit a request for approval to the AHCCCS Marketing Committee prior to the event. ~~The request shall include the Name and date of the Event, the location and the address.~~<sup>37</sup>

**Example of an Acceptable Marketing Submission Request:**<sup>38</sup>

*Roosevelt Shot Clinic (Name of Event)*  
*Phoenix Ranch Market (Location)*  
*1602 E Roosevelt St (Address)*  
*Phoenix, AZ 85006*  
*9AM-1PM (Start and End Time)*  
*Flu Shots (Service)*

*We will distribute the following:*  
*Tooth Brush Approved 12/10/14*

*We will be handing out the tooth brush kits as the Roosevelt Clinic has been stressing dental hygiene this month.* (Health related purpose)<sup>39</sup>

**FIGURE 1 - PRE-APPROVED AND NOT-APPROVED EVENTS**

<sup>34</sup> Added to clarify that giveaways at pre-approved events must still be approved by the marketing committee

<sup>35</sup> Clarified sentence structure for flow

<sup>36</sup> Added for clarity

<sup>37</sup> Removed, redundant

<sup>38</sup> Added for clarity

<sup>39</sup> Added for clarity



<b>PRE-APPROVED EVENTS</b> <i>(<del>Must</del> Shall Be Health Related)</i>	<b>NOT-APPROVED</b>
Back to School Events	Events that are not <b>H</b> health <b>R</b> elated or do not have a health education component
College/University Events	
DES Health and/or Resource Events – if open to all AHCCCS plans	DES offices (except those listed on the approval list)
WIC Health and/or Resource Events – if open to all AHCCCS plans	WIC Offices (except those listed on the approval list)
Events where health education is a component (e.g. Celebration events – Angeles Del Barrio, etc.)	Job Fairs
Community Center/Recreational Events (e.g. Golden Gate, Boys and Girls Club, YMCA, parks and senior center)	County/State Fairs
Community/Family Resource Events (e.g. Food banks, food distribution locations, homeless and/or women’s shelters)	Bi-national Health Events (e.g. Mexican consulate on their premises)
Provider Events (e.g. Doctors, hospitals, and/or specialist) that the Contractor is contracted with	Political Events
Faith Based Events	Pharmacy Events not open to all Contractors
Farmers Market Events	
Health Educational Forum (community sponsored) (e.g. Nutritional, health benefits, and prevention topics)	Swap Meets
Safety Events (e.g. Sun safety, water safety, and fire safety)	AHCCCS Contractor’s Event that is created and sponsored by the Contractor or through its affiliates for AHCCCS <del>members</del> <u>Members</u> not enrolled with the Contractor, or for the general public
Immunization Clinics	
Senior Events	
Shopping Mall Events	
AHCCCS Contractor’s Event that is created and sponsored by the Contractor for its own <del>members</del> <u>Members</u> only	

### 3. Sponsorships

The Contractor may participate as a **F**financial **S**sponsor of health-related ~~mM~~marketing events that are listed in Figure 1 of this Policy in the “Pre-Approved” column. In addition to the information required to be submitted for events, the request ~~must~~ shall include the dollar amount of the participation (the dollar amount should be broken down and listed individually by Contractor’s each line of business,

as applicable)<sup>40</sup>, and either a copy or description of any materials (including websites) on which the Contractor's name or logo will appear prior to production.

#### 4. Press Releases

The Contractor may issue press releases or announcements about program innovations and events that promote the goals of the AHCCCS program. Press releases that do not include Contractor-specific information related to the AHCCCS Medicaid Contract (e.g. benefits, how to enroll, provider network) do not require prior AHCCCS approval. All other press releases ~~must~~shall be submitted ~~for to~~ AHCCCS ~~for~~ prior approval.

#### 5. Contractor Logos and Name Inclusion

The Contractor is responsible for preventing misuse of ~~their~~its name and logo. Upon receiving AHCCCS approval for an event, the Contractor's logo ~~can~~may be included on event flyers or websites that are produced by hosting organizations without prior approval. The use of the Contractor's name or logo is prohibited for television advertising of the event. If the Contractor is an ~~an~~ Financial ~~S~~sponsor for the event, ~~the~~ event flyers or websites ~~will~~require prior approval by AHCCCS.

### B. RESTRICTIONS

The following restrictions apply to all ~~m~~Marketing activities [42 CFR 438.104].

#### 1. The following shall not be allowed:

- a. ~~Personal~~ Solicitation of an individual, ~~whether~~<sup>41</sup> directly or indirectly (~~of any individual facee.g., face~~-to-face, door-to-door, ~~over~~ the telephone, via email or text, or other cold-call ~~M~~marketing activities);~~;~~
- b. References to competing Contractors;~~;~~
- c. Promotional materials, incentives, or any other activity to influence enrollment in conjunction with the sale or offering of any private insurance;~~;~~
  - i. For the purposes of this ~~P~~policy, Qualified Health Plans are not considered private insurance;~~;~~ ~~and~~
  - ii. The Contractor may discuss its affiliated Qualified Health Plan in ~~P~~promotional materials;~~;~~ however, the Contractor is a separate legal entity from all other affiliated health plans and is therefore subject to restrictions on the use of ~~P~~protected ~~H~~health ~~I~~information;~~;~~
- d. Television advertising;~~;~~
- e. Direct mail advertising;~~;~~
- f. Social Networking Applications (see ACOM Policy 425 for requirements regarding social networking),
- g. Marketing of non-mandated services;~~;~~
- h. Utilization of the word "free" in reference to covered services;~~;~~

<sup>40</sup> ~~Added to clarify dollar amount should be broken down and listed individually~~

<sup>41</sup> ~~Clarified personal solicitation of an individual is not allowed~~



- i. Listing of providers in ~~M~~marketing ~~M~~aterials who do not have signed contracts with the Contractor.<sup>42</sup>
  - j. Use of the AHCCCS logo.<sup>42</sup>
  - k. Inaccurate, misleading, confusing or negative information about AHCCCS or the Contractor; and any information that may defraud ~~members~~Members or the public.<sup>42</sup>
  - l. Discriminatory ~~M~~arketing practices as specified in 9 A.A.C. 22, Article 5, 9 A.A.C. 28, Article 5, 9 A.A.C. 31, Article 5.<sup>42</sup>
  - m. Contractors providing services in a GSA where its enrollment is capped to prohibit ~~members~~Members from selecting the Contractor may not engage in ~~m~~arketing activities in that GSA, but may engage in outreach and retention activities with its current ~~members~~Members.<sup>42</sup>
  - n. Marketing ~~m~~aterials cannot contain any assertion or statement (whether written or oral) that the ~~member~~Member ~~must~~shall enroll ~~in with~~ the Contractor to obtain benefits or to not lose benefits.<sup>42</sup> and
  - o. Marketing ~~m~~aterials cannot contain any assertion or statement (whether written or oral) that the Contractor is endorsed by CMS, the Federal or state government, or a similar entity.
2. Any activities, materials, or mediums in violation of this Policy ~~will beare~~ subject to administrative actions<sup>42</sup> ~~s~~Sanction, regardless of previous approval or terms of privately held contractual agreements.
  3. AHCCCS reserves the right to impose additional restrictions.

### C. DUAL ELIGIBLE MARKETING

Dual ~~M~~arketing focuses on enrollment in the Contractor's Medicare Dual Special Needs Plan (D-SNP). The State understands that the Medicare D-SNP is able to enroll any ~~D~~ual ~~E~~ligible ~~member~~Member, but to increase alignment, encourages the Contractor to only market to individuals enrolled in its AHCCCS plan. Marketing to the Contractor's ~~D~~ual ~~E~~ligible ~~m~~embers may include print advertisements, radio advertisements, billboards, bus advertising, and television.

1. In the case of ~~m~~arketing ~~M~~aterials for ~~D~~ual ~~E~~ligible ~~m~~embers the process will be as follows:
  - a. AHCCCS does not review ~~for approval~~ ~~D~~ual ~~m~~arketing ~~m~~aterials that have been approved by CMS and/or that do not include references to AHCCCS benefits and/or service information. However, all ~~D~~ual ~~m~~arketing ~~m~~aterials that have not been approved by CMS and/or include reference to AHCCCS benefits and/or service information require submission to AHCCCS as specified in Contract, ~~and,~~ ~~Section F, Attachment F3, Contractor Chart of Deliverables.~~<sup>43</sup>

<sup>42</sup> ~~Added to better align with ACC replaced 'sanction' with 'administrative action'~~

<sup>43</sup> ~~Removed title for consistency throughout AHCCCS Manuals~~

- b. While AHCCCS may accept CMS approval of ~~D~~ual ~~mM~~marketing ~~M~~materials as sufficient for distribution of materials, AHCCCS retains and reserves the right to review before or after the fact, materials that have received CMS approval.
2. The Contractor ~~must~~shall adhere to the following restrictions regarding use of billboards which use the terms ‘Medicaid’ or ‘AHCCCS’:
    - a. Limited to two billboards in each urban county (Maricopa and Pima);<sup>44</sup> and
    - b. Limited to one billboard<sup>44</sup> in each rural county.

#### **D. CONTRACTOR RESPONSIBILITIES**

1. The Contractor is required to report ~~their-its~~ ~~mM~~marketing costs on a quarterly basis as a separate line item in ~~theits~~ quarterly financial statements. This requirement also applies to any ~~mM~~marketing costs included in an allocation from a parent or other related corporation.

Additionally, any Contractor not in compliance with the AHCCCS financial viability standards~~criteria indicators~~, as defined in the Contract, may be ~~restricted~~prohibited from further ~~mM~~marketing until the Contractor is in compliance with the financial viability standards~~criteria indicators~~<sup>45</sup>.

The Contractor CEO (or designee) shall sign and submit Attachment A, Marketing Attestation Statement as specified in Contract, ~~Section F, Attachment F3, Contractor Chart of Deliverables~~. The DDD Contractor’s Attestation Statement will address the compliance of its ~~subcontracted health plans~~Administrative Services Subcontractors with the requirements of this ~~p~~Policy.

2. The Contractor shall review and revise all materials on a regular basis in order to reflect current practices. Any changes or amendments to previously approved ~~mM~~marketing ~~mM~~materials (e.g., prior leaflet approved, but subsequently modified) ~~must~~shall also be submitted to AHCCCS for in advance to AHCCCS for approval as indicated above.
3. All Contractors, ~~except the DDD Contracts~~<sup>46</sup>, shall submit a Marketing Activities Report using the excel format template<sup>47</sup> in Attachment B. The report ~~must~~shall describe the Contractor’s previous six months’ ~~mM~~marketing activities as specified in Contract, ~~Section F, Attachment F3, Contractor Chart of Deliverables~~. Participation in ~~mM~~marketing activities includes, but is not limited to: having a booth at the event, and/or having a presence at the event. The Contractor ~~must~~shall report Pre-Approved Events, as outlined in Section A Figure 1 of this Ppolicy, in which the Contractor was a participant<sup>48</sup>, ~~but should not include events submitted for AHCCCS approval under Section A of this Policy.~~

<sup>44</sup> Added billboard again for clarity

<sup>45</sup> Added to comport with language in ACC

<sup>46</sup> Removed DDD reference because requirements are identical

<sup>47</sup> clarification

<sup>48</sup> Removed as we didn’t reference Section A

The DDD Contractor shall submit a Marketing Activities Report using the template in Attachment B.<sup>49</sup> The DDD Contractor's Report ~~must also will~~ address marketing activities of its Administrative Services Subcontractors<sup>50</sup> ~~subcontracted health plans~~. The Report shall include the marketing activities of its subcontractors. The report shall describe the Administrative Services Ssubcontractor's previous six months' ~~mM~~marketing activities as specified in Contract.<sup>51</sup> ~~of its subcontracted health plans' marketing activities.~~ The reports ~~must~~shall be submitted using the excel ~~template~~format in Attachment B. The DDD Contractor's Report will address marketing activities of its subcontracted health plans<sup>52</sup>.

The AHCCCS Marketing Committee will review the Contractor's semi-annual~~mont~~<sup>53</sup>ly submission to determine if the Contractor's participation in the events was in compliance with this Policy. If AHCCCS determines a violation has occurred, the Contractor may be subject to Administrative Actions. ~~Ssanctions.~~<sup>54</sup> ~~Failure to disclose an event attended may also result in AAdministrative AAction.~~

#### 4. Submission Requirements

All ~~mM~~Marketing ~~mM~~materials including, giveaways, event requests, sponsorships and press releases, and Dual Eeligible ~~mM~~marketing ~~mM~~materials ~~must~~shall be submitted separately to the AHCCCS Marketing Committee for approval at least 21 days prior to dissemination as specified in Contract, ~~Section F, Attachment F3, Contractor Chart of Deliverables.~~ If ~~a~~ 21 day notice is not possible, the Contractor may request an expedited review, but the request shall be clearly marked as expedited and also indicate the reason for the shortened timeframe.

AHCCCS approval shall only apply to the form of communication or specific date described with the submission. Any substantive changes or ial modifications of previously approved ~~mM~~marketing ~~mM~~materials ~~must~~shall be ~~shall be clearly identified and resubmitted for approval~~<sup>55</sup>.

Pursuant to 42 CFR 438.104, the AHCCCS Marketing Committee will consult with the Arizona State Medicaid Advisory Committee (SMAC) in reviewing submitted ~~mM~~marketing ~~mM~~materials<sup>56</sup>.

The Contractor may ~~contest~~ request<sup>57</sup> a reconsideration of any Marketing Committee decision by submitting a written request for reconsideration to the Marketing

<sup>49</sup> POST APC CHANGE: removed sentence regarding DDD shall submit marketing; redundant

<sup>50</sup> Replaced with Administrative Services Subcontractors for consistency

<sup>51</sup> clarification

<sup>52</sup> Revised for clarity

<sup>53</sup> To comport with contract; moved from monthly to semi-annually

<sup>54</sup> Deleted because failure to disclose event is also a violation of the policy and doesn't need to be separately called out.

<sup>55</sup> clarifying

<sup>56</sup> Added to comport with ACC contract

Committee. The Contractor may provide ~~supporting~~ information in support of its request for reconsideration. <sup>58</sup> ~~The Contractor may contest AHCCCS' decision by filing a grievance in accordance with 9 A.A.C. 34.~~

**E. ~~SANCTIONS/PENALTIES~~ ADMINISTRATIVE ACTION<sup>59</sup>**

Any violation of this Policy may result in Administrative Action, including but not limited to, Ssanctions as described in ACOM Policy 408.

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<sup>57</sup> POST APC CHANGE: updated to request

<sup>58</sup> Added language to clarify Contractor's ability to object to a marketing decision.

<sup>59</sup> POST APC CHANGE: updated header

[ATTACHMENT A, MARKETING ATTESTATION STATEMENT<sup>60</sup>](#)

[SEE THE ACOM WEBPAGE FOR ATTACHMENT A OF THIS POLICY](#)

OPEN UNTIL 08/13/18

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<sup>60</sup> [Removed – unnecessary](#)

**ATTACHMENT B, MARKETING ACTIVITIES REPORT**

See the ACOM Webpage for Attachment B of this Policy

OPEN UNTIL 08/13/18