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DOCUMENT HISTORY LOG

STATUS ¹	DOCUMENT REVISION ²	EFFECTIVE DATE	DESCRIPTION ³
Baseline	2.0	September 1, 2016	Initial version of Uniform Managed Care Manual Chapter 4.13 "Social Media Policy." Chapter 4.13 applies to contracts issued as a result of HHSC RFP numbers 529-08-0001, 529-10-0020, 529-12-0002, 529-12-0003, 529-13-0042, 529-13-0042, 529-13-0071, and 529-15-0001.
Revision	2.1	February 1, 2019	Chapter 4.13 "Social Media VII.4 Social Media Activity Development" modified to reflect the name change from Consumer Information Tool Kit to HHS Brand Guide and add hyperlink to the HHS Brand Guide.

¹ Status should be represented as "Baseline" for initial issuances, "Revision" for changes to the Baseline version, and "Cancellation" for withdrawn versions

² Revisions should be numbered according to the version of the issuance and sequential numbering of the revision—e.g., "1.2" refers to the first version of the document and the second revision.

³ Brief description of the changes to the document made in the revision.



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I. Applicability of Chapter 4.13

This Chapter applies to Managed Care Organizations (MCOs) participating in the STAR, STAR+PLUS, Children's Health Insurance Program (CHIP), STAR Health, and STAR Kids Programs and Dental Contractors providing Children's Medicaid Dental Services (CMDS) and CHIP Dental Services. The term "MCO" includes health maintenance organizations (HMOs), exclusive provider organizations (EPOs), insurers, Dental Contractors, and any other entities licensed or approved by the Texas Department of Insurance (TDI).

In this Chapter, references to "CHIP" or the "CHIP Managed Care Program(s)" apply to all CHIP and CHIP Dental Services. References to "Medicaid" or the "Medicaid Managed Care Program(s)" apply to the STAR, STAR+PLUS, STAR Health, and STAR Kids healthcare services, and CMDS. The requirements in this Chapter apply to all Programs, except where noted.

II. Purpose

This Chapter establishes Social Media Marketing requirements. All MCOs that create Social Media accounts must comply with this Chapter.

III. Applicable Legal Authorities

- 15 U.S.C. §§6101-6108
- 15 U.S.C. §§7701-7713
- 42 U.S.C § 1396u-2
- 16 C.F.R. Part 310
- 16 C.F.R. Part 316
- 42 C.F.R. § 422.2264
- 42 C.F.R. § 423.2264
- 42 C.F.R. § 438.104
- 42 C.F.R. §457.1224
- 45 C.F.R. Parts 160 and 164
- Texas Gov't Code §§ 531.02115 and 533.008
- 1 Tex. Admin. Code § 353.405
- 1 Tex. Admin. Code § 354.1871
- 1 Tex. Admin. Code §370.601
- Texas Health & Safety Code, Chapter 181
- Texas Business & Commerce Code, Chapter 521



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UMCM Chapter 4.3 Marketing and Member Materials Policy
 UMCM Chapter 4.6 MCO Materials Submission Process
 UMCM Chapter 4.15 Marketing Glossary of Terms
 HHS OIG Special Advisory Bulletin: Offering Gifts and Other Inducements to Beneficiaries, August 2002
 Texas HHSC-OIG Special Advisory Bulletin: Offering Gifts and Other Inducements to Beneficiaries, March 6, 2013

IV. General Information

1. Violation of this Chapter is subject to remedies as outlined in the Contract.
2. Defined terms are capitalized in this Chapter, and definitions are located in the Marketing Glossary of Terms in UMCM Chapter 4.15 or in the Contract.
3. The MCO must submit Social Media Activity produced by or on behalf of the MCO to HHSC for review and approval as required by UMCM Chapter 4.6.
4. HHSC may amend the Social Media Policy at any time and distribute the changes to the MCO. HHSC will review any concerns or comments the MCO submits in writing to HHSC.

V. Marketing Training/Certification

1. The MCO must designate primary staff who will be assigned the responsibility of operating and monitoring the activity on each Social Media account. This staff must successfully complete either the HHSC Marketing Trainer Certification Program or the MCO Marketing Training Program.
2. The MCO must maintain and make available upon request the training logs which, at a minimum, must include the date(s) of the training, the name(s) of the trainer(s), the name(s) of the trainee(s), and the test scores.

VI. Social Media Account Guidelines

1. The MCO may create a Social Media account(s) for its Medicaid/CHIP program(s) as long as the account(s) are specific to the Texas Medicaid/CHIP programs and do not contain any references to the MCO's private insurance line of business.



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2. The MCO may include hyperlinks to its Marketplace, CHIP, and Medicaid Managed Care websites on the homepage or "About" section of its Social Media account(s).
3. The appropriate Medicaid and/or CHIP Program logos as well as the MCO's toll-free phone number including the Member Services Hotline and applicable Service Area(s) must appear on the home page or "About" section of each account unless HHSC waives this requirement in writing.
4. The MCO must ensure that the content on the home page of each Social Media account remains current and accurate.
5. The MCO must develop general terms and conditions regarding the use of its Social Media account(s) that comport with this policy. These terms and conditions must be posted to the Social Media account(s) or accessible via a hyperlink on the homepage of the Social Media account.

VII. Social Media Activity Development

1. The MCO must comply with the Contract requirements, including those within Attachment A, Section 3.07, regarding the use of HHSC's, the State's, or an HHS Agency's name in a media release, public announcement, or other public disclosure.
2. Social Media Activity by the MCO must be:
 - a. Written at or below the 6th grade reading level, except for language required or supplied by HHSC. Press releases are exempt from the 6th grade reading level requirement.
 - b. Written and displayed in English, Spanish, and the languages of any other Major Population Groups in the Service Area. HHSC will notify the MCO if a Service Area includes other Major Population Groups.
 - i. The MCO must ensure translation of any content intended to be read if the Social Media Account does not already offer translation functionality. The MCO may comply with this requirement by providing a hyperlink to the translated material.
 - c. Culturally appropriate.
3. The MCO does not need to submit Social Media Activity to HHSC if the Social Media Activity is used as a means of developing Name Recognition, and no reference is made to the CHIP and Medicaid Managed Care Programs.



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4. The MCO must use the HHS Brand Guide to clarify and conform all Social Media Activity for the CHIP and Medicaid Managed Care Members and Potential Members. The HHS Brand Guide can be found at <https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/vendor-contract-information/hhs-brand-guide.pdf>.

VIII. Value-added Services and Extra Member Benefits References

1. The MCO may display Social Media Activity about Extra Member Benefits and Marketing Materials related to HHSC-approved Value-Added Services and/or comparison charts and MCO Report Cards.
2. The MCO must clearly indicate that Extra Member Benefits and/or Value-added Services are only available to the MCO’s current members. The MCO must clearly indicate that restrictions and limitations may apply to Value-added Services.
3. The MCO must refer to Medicaid/CHIP Covered Services as “at no cost” rather than “free.” The MCO may refer to Value-added Services and Extra Member Benefits as “free” if there is no cost to the Member.

IX. MCO Misrepresentation

1. The MCO must not give the appearance that the MCO is endorsed by CMS, a federal or state governmental agency, or similar entity.
2. The MCO must not display Social Media Activity that uses misleading terms such as “sponsored by Medicaid/Medicare.”
3. The MCO must not display Social Media Activity that makes false, misleading, or inaccurate statements or misrepresentations of fact or law, benefits or services, of the Medicaid/CHIP benefits/services, in-network and out-of-network providers, or the MCO.
4. The MCO must not display Social Media Activity in which the MCO describes itself as being the “best”, “number one”, “top”, etc.

X. Use of Giveaways and Incentives

The MCO must not offer Incentives or Giveaways individually valued over \$10.00 to Potential Members and over \$50 in the aggregate annually.



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XI. Third Party Social Media Activity

1. HHSC does not require review and approval of Social Media Activity developed by a third party and shared by the MCO; however, the MCO must ensure that any third party Social Media Activity the MCO shares is compliant with the Social Media Policy and the Marketing and Member Materials Policy.
2. Social Media Activity developed by a third party and shared by the MCO must not misrepresent or portray the Medicaid programs or CHIP in a negative manner.
3. The MCO is not responsible for the use of the MCO's Social Media Activity by a third party. However, the MCO should make reasonable efforts to contact the user to request discontinuation.

XII. Enrollment Information

1. The MCO must not display Social Media Activity containing terms that would influence, mislead, or cause Potential Members to contact the MCO for enrollment in an MCO rather than the HHSC Administrative Services Contractor (HHSC ASC).
2. The MCO must not display Social Media Activity that uses the telephone number 2-1-1 to promote enrollment into the MCO.
3. Terms such as “choose”, “pick”, “join”, etc. are allowed in Social Media Activity as long as the MCO does not direct the reader to contact the MCO’s toll-free telephone number or website for enrollment. The MCO may choose whether or not to include the HHSC ASC or the local community-based organization phone number. The HHSC ASC telephone number is 800-964-2777. The MCO may include its contact information, such as toll-free telephone number and website address; however, the MCO cannot include its contact information without the inclusion of the HHSC ASC or local community-based organization telephone number. The MCO must clearly indicate that the HHSC ASC or local community-based organization telephone number is for enrollment purposes, and the MCO’s contact information is for inquiries regarding the MCO. The MCO’s contact information must not be displayed in a position of prominence over the HHSC ASC or local community-based organization contact information.



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XIII. Member and Potential Member Contact

1. The MCO must handle private or direct messages from Members or Potential Members as an individual business matter.
2. The MCO must provide a response to Social Media Activity that requires a response within one (1) Business Day. Examples of Social Media Activity requiring a response include questions and complaints posted by Potential Members or Members.
3. Responses to Social Media Activity from Potential Members or Members do not require individual HHSC approval, nor translation; however, the language of the response must match the language of the comment, post, question, etc.

XIV. Posts to Social Media Accounts

1. Health-related posts must not be Plan-specific and must not reference the CHIP and Medicaid Programs or include CHIP or Medicaid Program logos.
2. The MCO must not post Marketing Materials or Member Materials to the Social Media account(s) without prior approval from HHSC.
3. The MCO must not display Social Media Activity that portrays competitors in a negative manner.
4. The MCO must not post any confidential information, including identifying information of any individual without that individual's or his/her legally authorized representative's written consent.
5. The MCO must obtain valid written consent from the Potential Member, Member, or his/her parents/legal guardian prior to displaying photos and/or names of the Potential Member, Member, and/or his/her family member(s) in situations where they pose for a photo taken or utilized by the MCO.
6. The MCO does not need to obtain consent when posting a large group or crowd picture/image at a public event where there is no expectation of privacy.
7. The MCO is not responsible for Potential Member or Member initiated Social Media Activity that contains images or photos of the Potential Member or Member.



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XV. Monitoring

1. The MCO must monitor its Social Media account(s) on a daily basis during regular business hours on Business Days. The MCO is encouraged to monitor during weekends and State-approved holidays.
2. The MCO must delete any offensive Social Media Activity within one (1) Business Day. Offensive material is anything vulgar, discriminatory, or threatening.
3. The MCO must not delete Social Media Activity initiated by the Member or Potential Member unless it is offensive, false, or a misinterpretation of fact, law, benefits or services of the Medicaid/CHIP programs, in-network and out-of-network providers, or the MCO.