

1 **101 MARKETING**

2 REVISION DATE: (~~XX/XX/XXXX~~), 04/29/2020

3 REVIEW DATE: 6/19/2023

4 EFFECTIVE DATE: October 1, 2019

5 REFERENCES: Section F3, Contractor Chart of Deliverables; ACOM Policy 101

6 Attachment A Marketing Attestation Statement; ACOM Policy 101

7 Attachment B, Marketing Activities Report; A.A.C. R9-22-501 et seq, A.A.C.

8 R9-28-501 et seq, A.A.C. R9-31-501 et seq, 9 A.A.C. 34; 42 CFR 438.10(a),

9 42 CFR 438.104, 45 CFR 155.20.

10 ~~DELIVERABLES: Marketing Activities Report; Marketing Attestation~~

11 ~~Statement; Marketing Materials~~

12 **PURPOSE**

13 ~~This policy applies to the Division's Administrative Services Subcontractors~~

14 ~~(AdSS). This policy establishes guidelines and restrictions for Administrative~~

15 ~~Services Subcontractors (AdSS) and their Subcontractors to remain in~~

16 ~~compliance when developing or using Marketing Materials or participating in~~

17 ~~AdSS regarding Marketing activities related to AHCCCS and the Division.~~

18 **DEFINITIONS**

- 19 1. "Arizona Health Care Cost Containment System" or "AHCCCS"
20 means Arizona's Medicaid Program, approved by the Centers for
21 Medicare and Medicaid Services (CMS) as a Section 1115 Waiver
22 Demonstration Program and described in A.R.S. Title 36, Chapter
23 29.
- 24 2. "Administrative Services ~~Subcontract~~/Subcontractor" or "AdSS"
25 means an agreement that delegates any of the requirements of
26 the Contract with AHCCCS to a person, individual or entity, who
27 holds an Administrative Services Subcontract is an
28 Administrative Services Subcontractor,~~, including, but not~~
29 limited to the following:
- 30 a. ~~Claims processing, including pharmacy claims,~~
31 b. ~~Pharmacy Benefit Manager (PMB),~~
32 c. ~~Dental Benefit Manager,~~
33 d. ~~Credentialing, including those for only primary source~~
34 ~~verification (i.e., Credential Verification Organization~~
35 ~~{CVO}),~~
36 e. ~~Management Service Agreements,~~

- 37 f. ~~Medicaid Accountable Care Organization (ACO),~~
38 g. ~~Service Level Agreements with any Division or Subsidiary~~
39 ~~of a corporate parent owner, and~~
40 h. ~~Comprehensive Health Plan (CHP) and DivisionDDD~~
41 ~~Subcontracted Health Plans.~~
42 A person, individual or entity, who holds an Administrative
43 Services Subcontract is an Administrative Services
44 Subcontractor. Providers are not Administrative Services
45 Subcontractors.
- 46 3. "Dual Eligible" means a Member who is eligible for both Medicare
47 and Medicaid. There are two types of Dual Eligible Members: a
48 Qualified Medicare Beneficiary (QMB) Dual Eligible Member (a
49 QMB Plus or a QMB Only), and a Non-QMB Dual Eligible Member
50 (a Special Low-Income Beneficiary [SLMB] Plus or an Other Full
51 Benefit Dual Eligible).
- 52 4. "Dual Eligible Special Needs Plan" or "D-SNP" means a type of
53 health benefits plan offered by a Centers for Medicare and
54 Medicaid Services (CMS) - contracted Medicare Advantage

- 55 Organization (MAO) that limits its enrollment to those
56 beneficiaries who are entitled to both Medicare (Title
57 XVIII)program covered health benefits and full Medicaid (Title
58 XIX) program covered health benefits.
- 59 5. “Dual Marketing” means Marketing efforts specifically targeting a
60 Division Member who is eligible for Medicare and Medicaid.
- 61 6. “Financial Sponsor” means any monies or in-kind contributions
62 provided to an organization other than attendance fees or table
63 fees, to help offset the cost of an event.
- 64 7. “Geographic Service Area” or “GSA” means an area designated
65 by AHCCCS within which a Contractor of record provides, directly
66 or through subcontract, covered health care services to a
67 Member enrolled with that Contractor of record.
- 68 8. “Marketing” means any communication from Contractors to a
69 Member not enrolled with the Contractor that can reasonably be
70 interpreted as intended to influence the Member to enroll with
71 the Contractor, or to not enroll or disenroll with another
72 Contractor’s Medicaid product as specified in 42 CFR 438.104.

73 Marketing does not include communication to any Member about
74 a Qualified Health Plan, as specified in 45 CFR 155.20.

75 9. "Marketing-Health Message" means a slogan or statement on
76 Marketing Materials to promote healthy lifestyles, situations that
77 affect or influence health status, behaviors that affect or
78 influence health status, or methods or modes of medical
79 treatment.

80 10. "Marketing-Health Related" means an event that has a direct or
81 indirect health care purpose, ~~and~~/or it supports or contributes to
82 any AHCCCS initiative or program goal. Giveaway items shall
83 have a Health Message or a health care purpose to be
84 considered health-related.

85 11. "Marketing Materials" means materials produced in any medium,
86 by or on behalf of the Contractor that can reasonably be
87 interpreted as intended for Marketing purposes. This includes
88 general audience materials such as general circulation
89 brochures, Contractor's website and other materials that are

- 90 designed, intended, or used to increase Contractor Membership
91 or establishing a brand.
- 92 12. "Member" means the same as "Client" as defined in A.R.S. § 36-
93 551.
- 94 13. "Potential Member" means a Medicaid-eligible recipient who is
95 not yet enrolled with a Contractor or a Member during Annual
96 Enrollment Choice (AEC).
- 97 14. "Promotion" or "Promotional" means any activity in which
98 Marketing Materials are given away or displayed with the intent
99 to increase the Contractor's membership.
- 100 15. "Rural County" means a county that has been designated as
101 non-urban by the United States Census.
- 102 16. "Social Networking Application" means web-based services or
103 platforms, excluding the Contractor's State mandated website
104 content, Member portal, and provider portal, for online
105 collaboration that provide a variety of ways for users to interact,
106 such as email, comment posting, image sharing, invitation, and

107 instant messaging services – collectively also referred to as
108 social media (e.g., Facebook).

109 17. “Subcontractor” means

110 a. A provider of health care who has contracted with an AdSS
111 agrees to furnish covered services to Members;

112 b. An individual, agency, or organization with which the
113 Contractor, or its Subcontractor, has contracted or
114 delegated some of its management or administrative
115 functions or responsibilities; or

116 c. An individual, agency, or organization with which a fiscal
117 agent has entered into a Contract, agreement, purchase
118 order or lease, or leases of real property, to obtain space,
119 supplies equipment or services provided under the
120 AHCCCS agreement.

121 **POLICY**

122 ~~As required by 42 CFR 438.104, Marketing Materials may only be used if~~
123 ~~they are approved by the Division and comport to this policy. In addition to~~
124 ~~approval of advertising copy, approval of the publication in which the ad will~~

125 be placed is also required. The AdSS is responsible for ~~requiring~~ ensuring its
126 ~~Subcontractors comply with this policy.~~ Failure of a subcontracted provider
127 to adhere to this policy may result in penalties to the AdSS.

128 **A. MARKETING MATERIALS, GIVEAWAYS, EVENTS,**
129 **SPONSORSHIPS, PRESS RELEASES AND ADSS AND DIVISION**

130 **LOGO NAME USE** ~~Marketing Materials, Giveaways, Events,~~
131 ~~Sponsorships, Press Releases and AdSS and Division Logo and Name~~
132 Use

133 1. Materials and Giveaways

134 a. The AdSS shall only use Member Marketing Materials
135 during Marketing activities that have been previously
136 approved as Member information under AdSS Operations
137 Policy Manual, Policy 404 ~~may be used during marketing~~
138 ~~activities only~~ if they comply with the requirements of this
139 policy.

140 b. The AdSS shall ~~must~~ submit a description and image of
141 Marketing Materials and Marketing items ~~or (giveaways)~~

142 for approval to the Division as required under this policy
143 and as specified in the Division Contract.

144 c. The AdSS shall only distribute Marketing Materials and
145 giveaways for up to two years from the date of approval.

146 i. If approved, the Approved Marketing Materials and
147 giveaways may be distributed by the AdSS for a
148 period of two years from the date of approval.

149 d. The AdSS shall submit any changes or amendments to
150 previously approved materials to the Division for approval
151 prior to use. any changes or amendments to previously
152 approved materials in advance of use to the Division for
153 approval.

154 ii. Any changes or amendments to previously approved
155 materials require must also be submitted in
156 advance to the Division for approval.

157 e. The AdSS shall In addition to marketing materials and
158 giveaways, the AdSS must submit templates for flyers or

- 159 posters that advertise regular meetings or events where
160 only the dates and times of the events change.
- 161 f. The AdSS may distribute previously approved templates
162 for a period of up to two years from the date of approval.
- 163 i. ~~If approved, these Approved templates may be~~
164 ~~distributed by the AdSS for a period of two years~~
165 ~~from the date of approval.~~
- 166 g. The AdSS shall ~~may~~ only distribute health educational
167 materials without prior Division approval if the materials:
168 ~~The materials shall~~ ~~must be h~~
- 169 i. Include health-related and developed based on
170 information from an approved recognized
171 organization found in . For a list of approved
172 ~~recognized organizations see ACOM Policy 404,~~
173 ~~Attachment A.~~
- 174 ii. Do not ~~if these materials include AdSS specific~~
175 ~~information related to the Division Integrated~~
176 ~~Contract. (e.g. enrollment, network or information~~

177 ~~on services) makes the materials are considered~~
178 ~~Marketing Materials, and must be submitted for~~
179 ~~approval.~~

180 h. The AdSS shall ~~must~~ ensure that:

181 i. The value of any Marketing item or ~~(giveaway)~~ given
182 to the general public by the AdSS does ~~must~~ not
183 exceed \$15.00;

184 ii. Giveaway items are health related, ~~(e.g. toothbrush,~~
185 ~~dental floss)~~ or if not health-related ~~(e.g. cups, key~~
186 ~~chains, buttons, t-shirts), include a Health Message~~
187 ~~on the item (e.g. Don't Smoke, Get Your Flu Shot);~~

188 iii. All Marketing Materials identify the AdSS as a
189 Division provider and are consistent with the
190 requirements for information to Members described
191 in the AHCCCS Contract and in Division policies;

192 iv. All Marketing Materials that have been produced by
193 the AdSS and refer to contract services ~~shall~~ must
194 specify: "Contract services are funded in part under

195 contract with the State of Arizona Department of
196 Economic Security/Division of Developmental
197 Disabilities;”:-
198 v. Marketing Materials ~~that are distributed by the AdSS~~
199 ~~shall must be~~ are distributed to its entire contracted
200 GSA population; statewide. ~~E exclusion of any~~
201 ~~particular group or class of Members;~~ would be
202 ~~considered to be a discriminatory Marketing practice;~~
203 i. The AdSS ~~shall~~ does not:
204 i. Market directly to Members eligible for the Division;
205 or
206 ii. ~~The AdSS shall~~ does not Encourage or induce a
207 Member to select a particular AdSS when completing
208 the application; or
209 iii. ~~may not~~ Complete any portion of the application on
210 behalf of the Potential Member, this prohibition
211 covers all situations, whether sponsored by the
212 AdSS, their parent company, or any other entity.

213 2. Events

214 a. The AdSS shall ~~may~~ only participate in Health-Related
215 Marketing events that are listed as pre-approved events in
216 Section (A)(2)(e) in Figure 1 in the "Pre-Approved" of this
217 policy, if the event is either: column. However, all events
218 that are listed in this "Pre-Approved" section column must
219 either be

- 220 i. Health related; or incorporates a have a
221 ii. Health education component. (e.g., celebration
222 events.).

223 b. The AdSS shall submit a request for prior approval to
224 AHCCCS if the event is not listed as a "pre-approved"
225 event, the AdSS shall must submit a request as specified
226 in the AdSS contract for prior approval,. The submission
227 must include containing the event name, and date, with
228 the location and address.

229 c. The AdSS's participation ~~ei~~on in events shall include AdSS
230 staff in attendance and available to respond to

231 ~~participants. shall must be substantive; an unmanned~~
232 ~~booth with handouts is not acceptable.~~

233 ~~d. The AdSS shall is not required to obtain approval to only~~
234 ~~attend pre-approved events after receiving approval from~~
235 ~~the Division to attend pre-approved events when the~~
236 ~~following criteria apply: listed in Figure 1 of this policy,~~
237 ~~with the following exceptions:~~

- 238 ~~i. The AdSS pays sponsorship fees;~~
- 239 ~~ii. The AdSS donates benefits or items; (e.g. raffle~~
240 ~~items, gift baskets, cash), and/or~~
- 241 ~~iii. The AdSS distributes materials not previously~~
242 ~~approved by the Division within the last two years;~~

243 ~~4. The AdSS may not attend events that are~~
244 ~~listed in the "Not-Approved" column in Figure 1 of~~
245 ~~this policy, or~~

- 246 ~~iv. Any event determined by the Division to not be in~~
247 ~~the best interest of the State of Arizona.~~

248 _____ If ~~the~~ AdSS is not certain if an event would qualify
249 as “pre-approved,” ~~in which case the AdSS shall~~
250 ~~must submit a request for approval to the Division~~
251 ~~prior to the event.~~ The request must include
252 including the name, and date, of the Event, the
253 location, and the address of the event.

254 Example: ~~Roosevelt Shot Clinic (Name of Event) Phoenix Ranch Market~~
255 ~~(Location) 1602 E Roosevelt St (Address) Phoenix, AZ 85006 9AM-1PM~~
256 ~~(Start and End Time) Flu Shots (Service) We will distribute the following:~~
257 ~~Toothbrush Approved 12/10/17 We will be handing out the toothbrush kits~~
258 ~~as the Roosevelt Clinic has been stressing dental hygiene this month.~~
259 ~~(Health related purpose)~~

260 e. The AdSS may attend the following pre-approved, health
261 related events:

- 262 i. Back to School Events;
263 ii. College or University Events;
264 iii. DES Health or Resource Events-if open to all
265 AHCCCS plans;

- 266 iv. Women, Infants and Children (WIC) Health or
267 Resource Events-if open to all AHCCCS plans;_i
- 268 v. Events where health education is a component;_i
269 (~~e.g., Celebration events Angels Del Barrio, etc.~~)
- 270 vi. Jobs Fairs as specific in Contract and ACOM Policy
271 407;_i
- 272 vii. Community Center or/ Recreational Events;_i (~~e.g.,~~
273 ~~Golden Gate, Boys and Girls Club, YMCA, parks, and~~
274 ~~senior center)~~)
- 275 viii. Community or/ Family Resource Events;_i (~~e.g., Food~~
276 ~~Banks, food distribution locations, homeless or~~
277 ~~women's shelters)~~)
- 278 ix. Provider Events (~~e.g., Doctors, hospitals, or~~
279 ~~specialist)~~ that the AdSS is contracted with;_i
- 280 x. Faith Based Events;_i
- 281 xi. Farmers Market Events;_i

- 299 iii. WIC Offices, (except those listed on the approval
300 list;)
- 301 iv. Job Fairs, (except those listed on the approval list;)
- 302 v. County or/State Fairs;
- 303 vi. Bi-national Health Events; (e.g., Mexican consulate
304 on their premises)
- 305 vii. Political Events;
- 306 viii. Pharmacy Events not open to all AdSSs;
- 307 ix. Swap Meets;
- 308 x. AdSS's Event that is created and sponsored by the
309 AdSS or through its affiliates for Division Members
310 not enrolled with the AdSS, or for the general public;
311 or
- 312 xi. Any event determined by the Division to not be in
313 the best interest of the State of Arizona.
- 314 3. Sponsorships
- 315 a. The AdSS shall only ~~may~~ participate as a Financial Sponsor
316 of Health-Related Marketing events that have been pre-

317 approved and listed in Section A.2.e. of this policy. are
318 ~~listed as pre-approved in Section A.2.e. Figure 1 of this~~
319 ~~policy in the "Pre-Approved" column.~~

320 b. The AdSS shall submit a request to the Division prior to
321 participation as a Financial Sponsor of Health-Related
322 Marketing events that contains information as described in
323 Section A.2 of this policy, in addition to the following
324 criteria: the information required to be submitted for
325 events, the request must include:

326 i. The dollar amount of the participation ~~(the dollar~~
327 ~~amount should be broken down and listed~~
328 ~~individually by each line of business; , as applicable),~~
329 and

330 ii. Either a copy or description of any materials,
331 ~~(including websites,)~~ on which the AdSS's name or
332 logo will appear at the sponsored event, prior to
333 production.

334 4. Press Releases

335 The AdSS shall ~~may~~ only issue press releases or
336 announcements about program innovations and events
337 that promote the goals of the Division.

338 i. Press releases that do not include AdSS-specific
339 information related to the Division Integrated
340 Contract (~~e.g. benefits, how to enroll, provider
341 network~~) do not require prior Division approval.

342 ii. All other press releases shall ~~must~~ be submitted to
343 the Division for prior approval.

344 5. AdSS Logos and Name Inclusion

345 a. The AdSS shall prevent ~~be is responsible for preventing~~
346 misuse of their name and logo.

347 b. The AdSS may include the AdSS's logo without requesting
348 prior approval ~~Upon receiving Division approval for an~~
349 ~~event, the AdSS's logo can be included on event flyers or~~
350 ~~websites that are produced by hosting organizations prior~~
351 ~~approval, if the Division has approved the event.~~ upon
352 receiving Division approval for the event.

353 c. The AdSS shall not allow use of the AdSS's name or logo is
354 ~~prohibited~~ for television advertising of the event.

355 iii. If the AdSS is a Financial Sponsor for the event, the
356 event flyers or websites will require prior approval by
357 the Division.

358 **B. RESTRICTIONS**

359 Restrictions

360 The AdSS shall prohibit the following ~~following restrictions apply to all~~
361 Marketing activities: (42 CFR 438.104). and ~~not allow by prohibiting~~
362 the following: ~~shall be following must be allowed:~~

363 a. Solicitation of any individual, whether directly or indirectly;
364 (e.g., face to face, door to door, over the telephone, via email or text,
365 or other cold call marketing activities);

366 b. References to a competing AdSS;

367 c. Promotional materials, incentives, or any other activity to
368 influence enrollment in conjunction with the sale or
369 offering of any private insurance;

- 387 j. Use of the Arizona Department of Economic Security,
388 Division of Developmental Disabilities logo or AHCCCS
389 logo;
- 390 k. Inaccurate, misleading, confusing or negative information
391 about the Division or the AdSS; and any information that
392 may defraud Members or the public;
- 393 l. Discriminatory Marketing practices as specified in A.A.C.
394 R9-22-501 et seq, A.A.C. R9-28-501 et seq, A.A.C. R9-31-
395 501 et seq;
- 396 m. AdSSs providing services in a GSA where its enrollment is
397 capped to prohibit Members from selecting the AdSS may
398 not engage in Marketing activities in that GSA, but may
399 engage in outreach and retention activities with its current
400 Members;
- 401 n. Marketing Materials ~~cannot~~ containing any assertion or
402 statement, (whether written or oral,) that the Member is
403 required to ~~must~~ enroll with the AdSS to obtain benefits or
404 to not lose benefits; ~~and,~~

405 o. Marketing Materials cannot containing any assertion or
406 statement, (whether written or oral,) that the AdSS is
407 endorsed by CMS, the Federal or state government, or a
408 similar entity; and

409 ~~2. Any activities, materials, or mediums in violation of this policy~~
410 ~~are subject to administrative actions, regardless of previous~~
411 ~~approval or terms of privately held contractual agreements.~~

412 p. Other restrictions as determined by the Division.The
413 Division reserves the right to impose additional restrictions.

414 **C. DUAL ELIGIBLE MARKETING** ~~Dual Eligible Marketing~~

415 ~~Dual Marketing focuses on enrollment in the AdSS's Medicare Dual Special~~
416 ~~Needs Plan (D-SNP). The state understands that the Medicare D-SNP is able~~
417 ~~to enroll any dual eligible member, but to increase alignment, encourages~~
418 ~~the AdSS to only market to individuals enrolled in its ALTCS plan. Marketing~~
419 ~~to dual eligible AdSS enrollees may include print advertisements, radio~~
420 ~~advertisements, billboards, bus advertising, and television.~~

421 1. The AdSS shall submit to the Division all Dual Marketing
422 Materials that:

- 423 a. Have not been approved by CMS; or and/
424 b. Includes reference to Division benefits; and/or
425 c. Includes Division service information.

426 ~~In the case of marketing materials for dual eligible enrollees the process will~~
427 ~~be as follows: The Division does not review for approval dual marketing~~
428 ~~materials that have been approved by CMS and/or that do not include~~
429 ~~reference to Division benefits and/or service information. However, all dual~~
430 ~~marketing materials that have not been approved by CMS and/or include~~
431 ~~reference to Division benefits and/or service information require submission~~
432 ~~to the Division as specified in Section F3, Contractor Chart of Deliverables.~~
433 ~~While the Division may accept CMS approval of dual marketing materials as~~
434 ~~sufficient for distribution of materials, the Division retains and reserves the~~
435 ~~right to review before or after the fact, materials that have received CMS~~
436 ~~approval.~~

- 437 2. The AdSS shall ~~must~~ adhere to the following restrictions
438 regarding use of billboards that use the terms 'Medicaid' or
439 'AHCCCS':

- 440 a. Limited to two in each urban county; (Maricopa and Pima);
441 and
442 b. Limited to one in each Rural County.

443 **D. AdSS RESPONSIBILITIES** AdSS Responsibilities

- 444 1. The AdSS shall ~~is required to~~ submit to the Division ACOM 101
445 Attachment B, Marketing Activities Report, report containing their
446 Marketing costs, including:
447 a. The previous six months of Marketing activities in which
448 the AdSS was a participant on a quarterly basis as a
449 separate line items in the quarterly financial statements;
450 and
451 b. This requirement also applies to Any Marketing costs
452 included in an allocation from a parent or other related
453 corporation.
454 2. The AdSS ~~shall must~~ review and revise all Marketing Materials on
455 a regular basis in order to reflect current practices.
456 3. The AdSS shall submit any changes or amendments to
457 previously approved Marketing Materials (e.g., prior leaflet

458 ~~approved, but subsequently modified)~~ must also be submitted in
459 advance to the Division for approval as indicated in this
460 policy~~above~~.

461 4. The AdSS CEO (or their designee) ~~must~~ shall sign and submit to
462 the Division, ACOM 101, Attachment A, Marketing Attestation
463 Statement, as adopted by the Division and as specified in
464 Section F3, Contractor Chart of Deliverables, ~~The AdSS's~~
465 ~~Attestation Statement will~~ addressing the compliance of its
466 subcontracted health plans with the requirements of this policy.

467 ~~5.~~ ~~The AdSS shall~~ must submit a ~~Marketing Activities Report of the~~
468 ~~previous month's marketing activities as specified in Section F3,~~
469 ~~Contractor Chart of Deliverables. This includes events in which~~
470 ~~the AdSS was a participant. Participation includes but is not~~
471 ~~limited to having a booth at the event, and/or having a presence~~
472 ~~at the event. The report must be submitted using the excel~~
473 ~~format in Attachment B, Marketing Activities Report of this~~
474 ~~policy. The DDD AdSS's Report shall~~ will address marketing
475 ~~activities of its subcontracted health plans, specifying the AdSS'~~

476 ~~previous six months of marketing activities as specified in the~~
477 ~~Contract.~~

478 ~~DDD Communications will review the AdSS's bi-annual submission to~~
479 ~~determine if the AdSS' participation in the events was in compliance~~
480 ~~with this policy. If the Division determines a violation has occurred, the~~
481 ~~AdSS may be subject to sanctions. Failure to disclose an event~~
482 ~~attended may also result in Administrative Action.~~

483 ~~7. The AdSS shall submit Attachment A and Attachment B if the~~
484 ~~AdSS has not obtained the National Committee for Quality~~
485 ~~Assurance (NCQA) Health Plan Accreditation, as these~~
486 ~~deliverables have been identified as items duplicative to NCQA~~
487 ~~Accreditation Standard ME 3, Elements A and B.~~

488 **E. SUBMISSION REQUIREMENTS** ~~Submission Requirements~~

489 1. The AdSS shall submit all Marketing Materials including,
490 giveaways, event requests, sponsorships, advertisements
491 including the publications in which they will be placed, and press
492 releases, and Dual Eligible Marketing Materials ~~must be~~
493 ~~submitted~~ as individual requests to the Division for approval at

- 494 least 21 days prior to dissemination as specified in the AdSS
495 Contract with the Division. ~~Section F3, Contractor Chart of~~
496 ~~Deliverables.~~
- 497 2. The AdSS shall not submit Bulk submissions, (i.e. submissions
498 that containing more than one event, sponsorship, or press
499 release, etc.) are not permitted with the exception of giveaway
500 items.
- 501 3. The AdSS shall submit giveaway items shall be submitted for
502 approval separately from any event or sponsorship submission
503 and may consist of more than one giveaway.
- 504 4. The AdSS shall submit advertisements, the publications in which
505 the ad will be placed, to the Division for approval.
- 506 5. The AdSS shall ensure All Marketing Material submissions are
507 shall be complete and include all corresponding documents.
- 508 6. The AdSS shall ensure the following criteria are completed when
509 requesting an expedited review of Marketing Materials, when a
510 21-day notice is not possible: When a 21-day notice is not
511 possible, the AdSS may request an expedited review.

- 512 a. Follow the submission requirements as noted in this
513 section; but also
- 514 b. Submit notification of the expedited request to the
515 Division's Compliance Unit, The ensuring expedited
516 notification is must be clearly marked; as expedited; and
517 also
- 518 c. Indicate the reason for the shortened time frame.
- 519 3. The AdSS shall resubmit any Marketing Materials to the Division
520 for review and approval if any substantive changes or
521 modifications of previously approved materials have been made,
522 with the Resubmissions inclusion of:
- 523 a. Date the material was previously approved;
524 b. Reason for update; and
525 c. All clearly identified content revisions.
- 526 ~~Division approval will only apply to the form of communication or~~
527 ~~specific date described with the submission. Any substantial~~
528 ~~modifications of previously approved marketing materials must~~
529 ~~be resubmitted for approval.~~

530 Pursuant to ~~42 CFR 438.104~~, DDD Communications will consult with
531 the Arizona State Medicaid Advisory Committee (SMAC) in reviewing
532 submitted marketing materials.

533 4. The AdSS shall ~~may~~ request a reconsideration of any Division
534 ~~DDD Communications~~ decision by submitting a written request
535 for reconsideration to the Division~~DD~~
536 Compliance Communications Unit and following the submission
537 requirements for Marketing Materials as specified in the AdSS
538 Contract with the Division.

539 5. The AdSS shall ~~may~~ provide information to the Division in
540 support of the AdSS' its request for reconsideration.

541
542 **Administrative Action**

543 ~~Any violation of this policy may result in Administrative Action,~~
544 ~~including but not limited to, sanctions as specified in Division~~
545 ~~Operations Policy Manual, Policy 408.~~

546
547