

404 CONTRACTOR WEBSITE AND MEMBER INFORMATION

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REFERENCES: 42 CFR 438.10; 42 CFR 438.10(c)(4)(ii); 42 CFR 438.310(d)(3); 42 CFR 438.10(d)(4); 42 CFR 438.10(f)(1); 42 CFR 457.1207; A.R.S. § 46-297; A.A.C. R9-22-504; ACOM 404, Attachment A, ACOM 404, Attachment B, and ACOM 404, Attachment C

PURPOSE

This policy applies to the Division of Developmental Disabilities' (Division) Administrative Services Subcontractors (AdSS) as it sets forth requirements regarding Member information and the approval process for Member Information Materials developed or used by the AdSS. This policy pertains to oral and written communication disseminated to AdSS's enrolled Members and to the content of an AdSS's website.

DEFINITIONS

1. "Dual Eligible Special Needs Plan" or "D-SNP" means a type of health benefits plan offered by a Centers for Medicare and

Medicaid Services (CMS) - contracted Medicare Advantage Organization (MAO) that limits its enrollment to those beneficiaries who are entitled to both Medicare (Title XVIII) program covered health benefits and full Medicaid (Title XIX) program covered health benefits.

2. "Early and Periodic Screening, Diagnostic, and Treatment" or "EPSDT" means A comprehensive child health program of prevention, treatment, correction, and improvement of physical and behavioral health conditions for Members under the age of 21, to ensure the availability and accessibility of health care resources as well as to assist Medicaid recipients in effectively utilizing these resources. EPSDT services provide comprehensive health care through primary prevention, early intervention, diagnosis, medically necessary treatment, and follow-up care of physical and behavioral health conditions for AHCCCS Members less than 21 years of age. EPSDT services include screening services, vision services, dental services, hearing services and all other medically necessary mandatory and optional services as

specified in Federal Law 42 U.S.C. 1396d(a) to correct or ameliorate defects and physical and behavioral health illnesses and conditions identified in an EPSDT screening whether or not the services are covered under the AHCCCS State Plan.

Limitations and exclusions, other than the requirement for medical necessity and cost effectiveness, do not apply to EPSDT services.

3. "File and Use" means a process whereby the AdSS submits qualifying Member Information Materials to the Division prior to use and can proceed with distributing the materials without any expressed approval from the Division.
4. "Human Immunodeficiency Virus" or "HIV" means a Sexually Transmitted Infection (STI) that damages white blood cells that are very important in helping the body fight infection and disease. HIV is also commonly transmitted through direct contact with certain bodily fluids (e.g., sharing syringes for intravenous substance use) such as blood, semen, rectal fluids and vaginal fluids, and breast milk.

5. "Incentive Item" means items that are used to encourage behavior changes in the AdSS's enrolled Members or Health promotion incentives to motivate Members to adopt a healthy lifestyle and/or obtain health care services.
6. "Member" means the same as "Client" as defined in A.R.S. § 36-551.
7. "Member Information Materials" means any materials given to the AdSS's membership. This includes, but is not limited to; Member handbooks, Member newsletters, provider directories, surveys, on hold messages and health related brochures/reminders and videos, form letter templates, mobile applications and website content. It also includes the use of other mass communication technology such as e-mail and voice recorded information messages delivered to a member's phone.
8. "Prior Authorization" or "PA" means A process by which AHCCCS or the Contractor, whichever is applicable, authorizes, in advance, the delivery of covered services based on factors including but not limited to medical necessity, cost effectiveness,

compliance with this Article and any applicable Contract provisions. Prior Authorization (PA) is not a guarantee of payment as specified in A.A.C. R9-22-101.

9. "Retention Materials" means Member Information Materials sent to Members prior to and during Annual Enrollment Choice (AEC) for the purposes of retaining Members as an enrollee with the AdSS.
10. "Value-Added Services" means services, benefits, or positive incentives that promote healthy lifestyles and improve health outcomes among Members, including items previously defined as Member "Incentive Items."
11. "Vital Materials" means written materials that are critical to obtaining services which include, at a minimum, the following:
 - a. Member Handbooks,
 - b. Provider Directories,
 - c. Consent Forms,
 - d. Appeal and Grievance Notices,
 - e. Denial and Termination Notices.

POLICY

A. MEMBER INFORMATION MATERIALS

1. The AdSS shall obtain approval from the Division for all Member informational materials (messages) including, but not limited to, print, e-mail, and voice-recorded information messages.
2. The AdSS shall comply with the requirements in this Policy for all Member Information Materials as well as the following related requirements:
 - a. Cultural Competency, Language Access Plan and Family/Patient Centered Care (AdSS Operations 405);
 - b. Member Handbook and Provider Directory (AdSS Operations 406);
 - c. Social Networking activities (AdSS Operations 425);
 - d. Member ID Cards (AdSS Operations 433);
 - e. Change in Contractor Organizational Structure or change in Contractor name (ACOM 317);
 - f. Material Changes (ACOM 439);

request, and shall provide these materials upon request within five business days.

6. The AdSS shall use state developed Member notices as indicated in Contract and Policy.
7. The AdSS shall make a good faith effort to give written notice to Members who received primary care from, or who are seen on a regular basis by, a provider who is terminated from the network. Written notice shall be provided to the Member:
 - a. Within the later 30 calendar days prior to the effective date of the provider termination; or
 - b. 15 calendar days after the receipt or issuance of the provider termination notice.
8. The AdSS shall submit draft Member notifications that are components of a material change even if previously submitted as a Member information material.
9. The AdSS shall ensure appropriate population health management for Member Information Materials when telephonic

and mail-based care management are not sufficient or suitable, including but not limited to the following settings:

- a. Members who are homeless;
- b. Members who are in shelters;
- c. The Member's home; or
- d. The Member's place of employment or school.

B. LANGUAGE, READABILITY, INTERPRETATION AND TRANSLATION REQUIREMENTS

1. The AdSS shall ensure all Member Information Materials include taglines in the prevalent non-English languages in Arizona and include large print, conspicuously visible font size, explaining the availability of written translation or oral interpretation services with the AdSS's toll free and TTY/TDY telephone numbers for customer service which shall be available during normal business hours.
2. The AdSS shall provide Members the AdSS' toll free and TTY/TDY nurse triage line telephone number, to be available 24hr/7days a week.

3. The AdSS shall make Vital materials available in the prevalent non-English language spoken for each Limited English Proficiency (LEP) population.
4. The AdSS shall not substitute Oral Interpretation services for written Translation of Vital Materials.
5. The AdSS shall ensure translation of Vital Materials is accurate and culturally appropriate.
6. The AdSS shall translate all written materials for Members into Spanish regardless of whether or not the materials are vital.
7. The AdSS shall ensure that all information prepared for distribution is written in an easily understood language and format for readability through the following measures:
 - a. Maintain the information at a sixth grade reading level as measured on the Flesch-Kincaid scale.
 - b. Use a font size no smaller than 12 point.
 - c. Member Information Materials made available in alternative formats and in an appropriate manner that

takes into consideration special needs including but not limited to:

- i. Visual limitation,
 - ii. Other disabilities, or
 - iii. Limited reading proficiency.
- d. Large print materials made available using a conspicuously visible font size.
8. The AdSS shall make oral interpretation services, as well as written translation of documents from English into the Member's preferred language, available to Members at no cost. This applies to American Sign Language and all non-English languages, not just those identified as prevalent.
9. The AdSS shall ensure interpretative services including the use of auxiliary aids such as TTY/TDY are made available.

C. VALUE-ADDED SERVICES

1. The AdSS shall offer Value-Added Services to Members which promote healthy lifestyles and improve health outcomes.

2. The AdSS shall not offer Value-Added Services to Members to influence continued enrollment with the Division.
3. The AdSS shall not offer Value-Added Services such as Incentive Items that are exchangeable for items prohibited.
4. The AdSS shall offer Value-Added Services offered in a culturally sensitive, unbiased, and equitable manner.
5. The AdSS shall not receive compensation for Value-Added Services and shall not report the cost of Value-Added Services as allowable medical or administrative costs.

D. MATERIALS NOT REQUIRING SUBMISSION TO THE DIVISION

1. AdSS shall not submit the following materials for approval:
 - a. Customized letters for individual Members.
 - b. Information sent by the AdSS to Members enrolled in an AdSS's Medicare Dual Special Needs Plan (D-SNP) that clearly and exclusively relate to their Medicare benefits and services.
 - c. Health related brochures developed by a nationally recognized organization included in ACOM Policy 404

Attachment A, do not require submission prior to distribution to Members, unless they reference any of the following, in which case the AdSS shall not distribute them at all, although the AdSS may utilize them to develop their own materials:

- i. Services which are not medically necessary;
 - ii. Services which are not AHCCCS covered benefits; or
 - iii. Services which do not align with Division policy.
2. The AdSS shall submit a request to add names to ACOM 404 Attachment A of national organizations to be recognized by AHCCCS, upon identifying an organization missing from the list.
 3. The AdSS shall refer to ACOM 404 for updates when considering using information from organizations listed in ACOM Policy 404 Attachment A.
 4. The AdSS shall review the content of materials developed by the organizations listed in Attachment A to ensure that:
 - a. The services are covered under the AHCCCS program.

- b. The information is accurate.
 - c. The information is culturally sensitive.
- 5. The AdSS shall supplement or replace educational brochures customized for Medicaid Members developed by outside entities to educate Members.

E. MEMBER NEWSLETTER CONTENT AND REQUIREMENTS

- 1. The AdSS shall develop and distribute, at a minimum, two Member newsletters during each contract year.
- 2. The AdSS shall submit newsletters in the form of an initial mock-up version of what the Member will be receiving in addition to the individual articles referencing readability levels.
- 3. The AdSS shall not use the File and Use review process for the Member newsletter.
- 4. At a minimum, the Member newsletter shall include the following at least annually, except as otherwise indicated:
 - a. Educational information on chronic illnesses and ways to self-manage care;

- b. Reminders of flu shots and other preventative measures at appropriate times;
- c. Medicare Part D issues;
- d. Cultural Competency, other than translation services;
- e. Contractor specific issues, in each newsletter;
- f. Tobacco cessation information;
- g. HIV/AIDS testing for pregnant women;
- h. Suicide Prevention information;
- i. Opioid/Substance Use information;
- j. Information on Peer and Family supports;
- k. AdSS contact information and 988 Crisis Hotline information in each newsletter;
- l. Educational information on how the AdSS is addressing health equity and resources to assist with Social Determinants of Health;
- m. Where to find resources for support with health-related social needs, which may include a link to the AdSS's Community Resource Guide;

- n. Information on the AdSS's integration efforts to improve overall Member outcomes, as applicable;
- o. Information on Non-Title XIX/XXI Services as appropriate; and
- p. Other information required by the Division or AHCCCS.

F. WEBSITE CONTENT

- 1. The AdSS's website shall contain all the information required in ACOM Policy 404- Attachment B.
- 2. The AdSS shall provide written notice to Members of the availability for the newsletter if newsletters are provided electronically.
- 3. The AdSS shall submit Attachment B as specified in Contract, annually.
- 4. The AdSS shall ensure:
 - a. All of the information is located on the AdSS's website in a manner that Members can easily find and navigate.
 - b. Information is in a format that can be retained and printed by the Member.

- c. Websites are specific to the AdSS's Medicaid program and shall not include links or references to private insurance.
5. The AdSS website shall contain links and references to the AdSS's Medicare programs and services that exclusively promote coordination of care for Members enrolled in both Medicaid and Medicare.
6. The AdSS shall refer to ACOM 404 for requirements for the approval process for additional information added to the AdSS's website that is directly related to Members or potential Members.

G. SUBMISSION, REQUIREMENTS AND RESTRICTIONS FOR ALL OTHER MATERIALS

1. The AdSS shall inform all Members of any changes considered to be significant by the Division, 30 calendar days prior to the implementation date of the change including:
 - a. Cost Sharing
 - b. Prior Authorization
 - c. Service Delivery
 - d. Covered Services.

2. The AdSS shall make a good faith effort to give written notice to Members within 15 calendar days after receipt or issuance of a provider termination notice to each Member who received their primary care from, or is seen on a regular basis by, the terminated provider.
3. The AdSS shall submit to the Division all other Member Information Materials intended for dissemination to Division Members at least 15 calendar days before they are to be released, for File and Use review, excluding surveys which are not subject to File and Use review.
4. The AdSS shall request an expedited review if a 15-day notice is not possible.
5. The AdSS shall ensure expedited requests are clearly marked as expedited.
6. The AdSS shall ensure expedited requests contain the reason for the shortened time frame.

7. The AdSS shall consider factors and materials which may require additional time to be reviewed include but are not limited to Member Information Materials which are:
 - a. A component of new initiatives,
 - b. Special projects,
 - c. Consisted of bulk submission.

8. The AdSS shall submit the following information to the Division prior to releasing Member Information Materials:
 - a. A copy, transcript, screenshot or other documentation of the material as intended for distribution to its Members or Potential Members.
 - b. Translations of the material into other languages as required by this policy are not required to be submitted.
 - c. A cover letter containing a description of the purpose, the process the AdSS shall use to disseminate the material.
 - d. The reading level of the material as measured on the Flesch-Kincaid scale.

9. The AdSS may disseminate the Member information as indicated in their request upon the expiration of the 15-day time period unless the Division notifies the AdSS otherwise.
 - a. Member materials submitted outside of standard business hours shall be considered received the following Business Day.
 - b. State Holidays that fall on business days are not counted as part of the 15-day review period.
10. The AdSS shall consider factors and materials which may require additional time to be reviewed include Member Information Materials which are:
 - a. A component of new initiatives;
 - b. Special projects;
 - c. Consisted of bulk submission.
11. The AdSS shall submit Member Information Materials to the Division for approval, prior to using them for marketing purposes as specified in ACOM 101.
12. The AdSS shall ensure:

- a. All materials shall be labeled with the AdSS's name or logo, this includes Member material that is:
 - i. Located on the AdSS's website;
 - ii. E-mail messages;
 - iii. Voice or text-recorded phone messages delivered to the Member's phone; and
 - iv. Other information as requested by AHCCCS.
- b. Information contained within the material is:
 - i. Accurate;
 - ii. Updated regularly; and
 - iii. Appropriately based on changes in benefits; Contract, policy, or other relevant updates.
- c. Updated Member information is re-submitted for approval, including:
 - i. The date the material was previously approved;
 - ii. The reason for the update; and
 - iii. Clearly identify all content revisions.

- d. A log is kept for all Member material distributed each year; the log shall identify:
 - i. The date the materials were originally submitted to the Division as described in this policy; and
 - ii. Resubmission dates.
- e. The log of Member Information Materials is made available to the Division upon request.
- f. Member Information Materials:
 - i. Do not directly or indirectly refer to the offering of private insurance;
 - ii. Do not include inaccurate, misleading, confusing or negative information about AHCCCS, the Division or the AdSS, or any information that might defraud Members;
- g. Member Information Materials do not use the word “free” in reference to covered services.

- h. Member Information Materials directly relate to the administration of the Medicaid program, or relate to health and welfare of the Member
- i. Member Information Materials do not have political implications, and
- j. Retention Materials do not refer to competing plans.