

UnitedHealthcare Clinical Services Medical Management Operational Policy

Title

UCSMM.03.13 Public Communication and Marketing

Applicability

UnitedHealthcare Clinical Services Medical Management (UCSMM) Program

Statement

The Utilization Management (UM) program will collaborate with appropriate business units to support formal inter- departmental review of marketing and sales materials before dissemination and will provide ongoing monitoring to ensure accurate representation of UM utilization management services. All public communications are subject to corporate communication policy and procedures.

Purpose

- To promote collaboration between business units
- To provide accurate representation of UM utilization management services to consumers
- To ensure plain language is used when communicating with consumers

Definitions

Refer to UCSMM UnitedHealthcare Clinical Services Medical Management Approved Definitions which are maintained in accordance with policy UCSMM.01.11 Document Oversight and Adherence.

Provisions

PROCEDURAL GUIDELINES for POLICY COMPLIANCE

A. Review of Marketing Material

Responsibility: Senior Clinical Leadership or Designee

1. Contact the UnitedHealth Group (UHG) Corporate Communication UM utilization management program liaison to collaborate regarding new or revised marketing material.
2. Collaborate with UnitedHealthcare (UHC) Product and UHC UnitedHealthcare Marketing to review UM utilization management marketing material or other business unit marketing material referencing the UM utilization management program so that the representation of UM utilization management services, including delegated services, is accurate.
3. Respond promptly to take corrective action as necessary if the UM utilization management program products and services are misrepresented.

B. Public and Media Communications

Responsibility: All staff members

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1. Follow UHG ~~UnitedHealthGroup~~ Corporate Communication guidelines when composing written communication to physicians or employers, or, non-standard letters, memos, and internal electronic communications. Approved letter templates should be used when available.
2. Do not respond to requests for communication with media or to crisis communication; refer requests to appropriate UHG ~~UnitedHealthGroup~~ Corporate Communications contact.

Responsibility: Senior Clinical Leadership

3. In accordance with UHG ~~UnitedHealthGroup~~ Corporate Communications policy, business leaders only may take responsibility for collaborating with Corporate Communications to prepare for media and government or public affairs communications.
4. Comply with UHG ~~UnitedHealthGroup~~ Corporate Communication for website development and approval.

C. Health Literacy

1. ~~The UnitedHealthcare Clinical Services Medical Management~~ UCSMM operations complies with UHG ~~UnitedHealthGroup~~ Communications policy and procedures to ensure consumer materials are in plain language unless otherwise specified by state or federal law/regulation.
2. **The UCSMM operations** will provide relevant information and guidance to staff that interface directly with or write content for consumers to ensure the concepts of health literacy and plain language are maintained.
3. **The** UCSMM operations and UnitedHealthcare Clinical Services Business Standardization and Advancement (~~BSA~~) will review documents generated by UCSMM operations staff to consumers to ensure plain language is used via the quality audit process addressed in UCSMM 05.11 Quality Audits and Projects.

APPLICABLE ACCREDITATION STANDARDS

- ~~URAC v3.2: Core 10 (a, b, c, d) Review of Marketing and Sales Materials~~
- ~~URAC v3.2: Core 40 (a, b, c): Health Literacy~~
- **URAC v8.1: CPE 2-4: Health Literacy Promotion, CPE 2-5: Consumer Marketing and Communication Safeguards**

More stringent/restrictive applicable state/federal laws/regulations/contracts will take precedence over UnitedHealthcare Clinical Services Medical Management Policy.

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Louisiana Medicaid Contract Requirements	State/Federal Medicaid Rules
<p><u>LOUISIANA MEDICAID MANAGED CARE ORGANIZATION Attachment A: Model Contract – FINAL Round 8.5.22</u></p> <p>PART 2: CONTRACTOR RESPONSIBILITIES</p> <p>2.13 Enrollee Services</p> <p>2.13.15 Interpretation and Written Translation Services</p> <p>2.13.15.1 In accordance with 42 CFR §438.10(d) LDH shall provide on its website the prevalent non-English languages spoken by Enrollees in the State.</p> <p>2.13.15.2 The Contractor shall make interpretation services, including real-time oral interpretation and the use of auxiliary aids such as TTY/TDD and American Sign Language (ASL), available free of charge to each Potential Enrollee and Enrollee. This applies to all non-English languages and not just those that Louisiana specifically requires (Spanish). These interpretation services shall be made available to Network Providers treating non-English speaking Enrollees at no charge. The Contractor may coordinate with the Louisiana Commission for the Deaf for American Sign Language interpretation services.</p>	
<p>2.13.15.4 The Contractor shall ensure that translation services are provided for all written Marketing and Member Materials for any language that is spoken as a primary language for four percent (4%) or more Enrollees, or Potential Enrollees of an MCO. Within ninety (90) Calendar Days of notice from LDH, materials shall be translated and made available. Materials shall be made available at no charge in that specific language to ensure a reasonable chance for all Enrollees to understand how to access the MCO and use services appropriately as specified in 42 CFR §438.10(c)(4) and (5).</p> <p>2.13.15.5 Written materials shall also be made available in alternative formats upon request of the Enrollee or Potential Enrollee at no cost. Written materials critical to obtaining services shall include taglines in the prevalent non-English languages in the State and large print explaining the availability of written translation or oral interpretation to understand the information provided, information on how to request auxiliary aids and services, and the toll-free and TTY/TDD telephone number of the Contractor's Enrollee customer service unit. Large print means printed in a conspicuously visible font size.</p>	

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<p>2.14 Marketing and Education</p> <p>2.14.1.3 Marketing and education includes both verbal presentations and written materials.</p> <p>2.14.1.5 Member Materials generally include, but are not limited to, Member Handbooks, MCO Member ID cards, Provider Directories, health education materials, form letters, mass mailings, e-mails, SMS messages, Enrollee letters, and newsletters.</p> <p>2.14.1.8 The Contractor shall provide information to Enrollees and Potential Enrollees in a manner and format that may be easily understood and is readily accessible by such Enrollees and Potential Enrollees [42 CFR §438.10(c)(1)]. All Marketing and Member Materials and activities shall comply with the information requirements in 42 CFR §438.10 and the LDH requirements set forth in this Contract, the MCO Manual, and the Marketing and Member Education Companion Guide.</p> <p>2.14.1.9 The Contractor shall make its written materials that are critical to obtaining services, including provider directories, Member Handbooks, Appeal and Grievance notices, and denial and termination notices available in the prevalent non-English languages in the State as required by LDH [42 CFR §438.10(d)(3)]. The Contractor is responsible for creation, production and distribution of its own Marketing and Member Materials to its Enrollees.</p>	
<p>2.14.4 Marketing and Member Materials Approval Process</p> <p>2.14.4.4 Review Process for Materials</p> <p>2.14.4.4.3 Prior to modifying any approved Member Material, the Contractor shall submit for written approval by LDH, a detailed description of the proposed modification accompanied by a draft of the proposed modification.</p>	
<p>2.14.8 Written Materials</p> <p>The Contractor shall comply with the following requirements as it relates to all written Member Materials, regardless of the means of distribution (printed, web, advertising, direct mail, etc.). The Contractor shall also comply with the requirements outlined in 42 CFR §438.10, 42 U.S.C. §1396u-2(d)(2)(A)(i), and 42 U.S.C. §1396u-2(a)(5):</p> <p>2.14.8.1 All Member Materials shall be in a style and reading level that shall accommodate the reading skills of the Contractor's Enrollees. In general, the writing shall be at no higher than a 6.9 grade level, as determined by any one of the indices below, taking into consideration the need to incorporate and explain certain technical or unfamiliar terms to ensure accuracy:</p>	

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<ul style="list-style-type: none"> • Flesch – Kincaid; • Fry Readability Index; • PROSE The Readability Analyst (software developed by Educational Activities, Inc.); • Gunning FOG Index; • McLaughlin SMOG Index; or • Other computer generated readability indices accepted by LDH. <p>• All written materials shall be clearly legible with a minimum font size of twelve (12)-point, with the exception of MCO Member ID Cards, and or otherwise approved by LDH in writing.</p> <p>2.14.8.2 LDH reserves the right to require evidence that written materials for Enrollees have been tested against the 6.9 grade reading-level standard.</p> <p>2.14.8.6 All multi-page written Member Materials shall notify the Enrollee that real-time oral and American Sign Language interpretation is available for any language at no expense to them and provide information on how to access those services;</p> <p>2.14.8.8 Alternative forms of communication shall be provided upon request for persons with visual, hearing, speech, physical or developmental disabilities. These alternatives shall be provided at no expense to the Enrollee.</p> <p>2.14.8.13 Except as otherwise indicated in the Marketing and Member Education Companion Guide, the MCOs may develop their own materials that adhere to requirements set forth in this Contract or use State developed model Enrollee notices. State developed model notices must be used for denial notices and pharmacy lock-in notices.</p>	
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2023 UCSMM Policy Revisions

Policy Number/Title	Revisions
UCSMM.03.13 Public Communication and Marketing	<p>C. Health Literacy Revision: Section C.1, C.2-- revised from 'UCSMM' to 'UCSMM operations' for consistency</p> <p>Applicable Accreditation Standards: Updated URAC standards</p>