

**425 - SOCIAL NETWORKING**

EFFECTIVE DATES: 02/01/10, 10/01/13, 03/01/15, 07/01/16, 07/12/17, 10/01/18, 04/03/19, 05/18/21

APPROVAL DATES: 02/25/10, 01/01/11, 08/13/13, 02/19/15, 04/07/16, 04/20/17, 07/11/18, 03/12/19, 03/18/21

**I. PURPOSE**

This Policy applies to ACC, ALTCS E/PD, and RBHA Contractors. DDD and Comprehensive Health Plan (CHP) may choose whether to engage in Social Networking activities; should they choose to participate this Policy and its requirements apply. This Policy establishes the requirements regarding Social Networking Activities.

**II. DEFINITIONS**

**BROADCAST** Video, audio, or text transmitted through Social Networking Applications, via internet, cellular or wireless network for display on any device (e.g. comments, podcasts, blogs).

**FRIENDS/FOLLOWERS** Persons who choose to interact through online social networks by creating accounts or pages and proactively connecting with others.

**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 specified in 42 CFR 438.104. Marketing does not include communication to any member about a Qualified Health Plan, as specified in 45 CFR 155.20.

**SOCIAL NETWORKING ACTIVITIES** The use of Social Networking Applications to support learning and engagement through the development of Contractor-specific Social Networking Application sites/pages and Broadcast activities.

**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 email, comment posting, image sharing, invitation and instant messaging services – collectively also referred to as social media (e.g. Facebook®, Twitter®, Instagram®, YouTube®, LinkedIn®).

**TAGS/TAGGING**

Placing personal identification information within a picture or video. Tags generally are presented as hovering links to additional information about the individual identified.

**USERNAME**

An identifying pseudonym associating the author to messages or content generated.

**III. POLICY****A. SOCIAL NETWORKING ACTIVITIES**

1. The Contractor shall participate in Social Networking Activities to support learning and engagement. The Contractor shall adhere to the requirements for Social Networking Activities as specified in Contract.
2. All Social Networking material shall comply with the requirements of this Policy, as well as the requirements for member information as specified in ACOM Policy 404. Any changes or amendments to previously approved member informational materials used in Social Networking Activities shall be resubmitted to AHCCCS as specified in ACOM Policy 404.
3. The Contractor is responsible for reviewing and continuous monitoring of its Social Networking Activities to ensure adherence to AHCCCS Policy including, but not limited to, marketing restrictions, member information guidelines, and adherence to HIPAA Privacy Rules and provisions regarding safeguarding of Protected Health Information (PHI) as specified in 42 CFR 457.1224, 42 CFR 438.104, 42 CFR 438.10, 45 CFR Part 164, Subpart E.
4. AHCCCS reserves the right to monitor the activities of the Contractor, including but not limited to, Contractor's oversight of its Social Networking Activities, to ensure ongoing compliance with this Policy. AHCCCS may perform audits as deemed necessary.

**B. SOCIAL NETWORKING REQUIREMENTS**

The Contractor shall adhere to the following requirements when engaging in Social Networking Activities. The Contractor shall:

1. Address programs and services of the AHCCCS program in support of the mission and delivery of services.
2. Safeguard member privacy information from unauthorized use or disclosure, which includes the security of PHI and adherence to all Health Insurance Portability and Accountability Act (HIPAA) Privacy Rules, AHCCCS policies, and contractual requirements.

3. Designate a Communications Administrator who is responsible for media inquiries, public relations, policy development, implementation, and oversight of all social networking and marketing activities.
4. Use all available security features to prevent fraud and unauthorized access.
5. Ensure all connections shall be initiated by the external user and not the Contractor.
6. Ensure all Social Networking Application sites and Broadcasts are clear, direct, professional, accurate, and presented in a well-organized manner. The Contractor should make every effort to maintain the information at a 6<sup>th</sup> grade reading level as measured on the Flesch-Kincaid scale.
7. Comply with copyright and intellectual property law and reference or cite sources appropriately.
8. Have a presence on Social Networking Application sites and shall include an avatar and/or a Username that clearly indicates what company is being represented.
9. Develop an internal company policy, based on the requirements of this policy, for the use of Social Networking and Broadcasts with regard to the AHCCCS lines of business. The Policy shall include a statement of purpose/general information explaining how the Contractor uses Social Networking and Broadcasting and how the Contractor continuously monitors Social Networking Activities. The Contractor shall ensure applicable staff receives instruction and/or training on the AHCCCS and Contractor's Social Networking policies before using Social Networking Applications and Broadcasts on behalf of the Contractor.

### **C. SOCIAL NETWORKING RESTRICTIONS**

The Contractor shall adhere to the following restrictions regarding Social Networking Activities:

1. Social Networking Applications and Broadcasts for the purposes of Marketing are prohibited.
2. The Contractor shall not solicit feedback from members via Social Networking Applications or Broadcasts.
3. External user-generated content (comments/posts) is not permitted unless the Contractor has an intermediary review process in place in which the Contractor ensures all postings are appropriate and are in compliance with this Policy.
4. The Contractor shall not post information, photos, videos, links/URLs, or other items online that reflect negatively on any individual(s), its members, AHCCCS or the State.

5. The Contractor is prohibited from tagging photographic or video content and shall promptly remove all tags placed by others upon discovery unless written consent by those tagged has been obtained.
6. The Contractor shall not identify members by name, or post, share, or publish information, including a member photo, that may lead to the identification of a member unless written consent has been obtained by the member.
7. The Contractor is prohibited from posting ads, whether targeted or general, on Social Networking Application platforms.
8. No affiliate/referral links or banners are permitted. This includes links to other non-Medicaid lines of business that the Contractor or a corporate affiliate is engaged in. When using any Social Networking Application which may automatically generate such linkage, recommendation, or endorsement on side bars or pop-ups (e.g. Facebook), the Contractor's Social Networking Application page shall contain a disclaimer message prominently displayed in the area under the Contractor's control stating that such items, resources, and companies are NOT endorsed by the Contractor or AHCCCS.
9. The use of the AHCCCS logo is prohibited unless prior approval has been received.
10. The use of the State of Arizona seal is prohibited.
11. The use of materials that are inaccurate, misleading or that otherwise make misrepresentations are prohibited.

**D. CONTRACTOR REPORTING REQUIREMENTS**

The Contractor shall submit the following as specified in Contract:

1. A Social Networking Attestation and listing of Social Networking Applications with associated URLs, utilizing Attachment A.
2. Notification of changes to the Social Networking Applications used in the contract year.