



Troy Medicare Policy and Procedure

Title: Use of Social Media		Policy Number: CMP_024	
Primary Department: Compliance	LOB: Medicare Advantage		Author: S Scott
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Interactive Related Department(s)			
<input checked="" type="checkbox"/> All Departments <input type="checkbox"/> Compliance <input type="checkbox"/> Medical Management <input type="checkbox"/> Provider Operations <input type="checkbox"/> Sales and Marketing	<input type="checkbox"/> Appeals and Grievances <input type="checkbox"/> Customer Service <input type="checkbox"/> Member Services <input type="checkbox"/> Quality Management <input type="checkbox"/> Utilization Management	<input type="checkbox"/> Care Management <input type="checkbox"/> Enrollment <input type="checkbox"/> Plan Administration <input type="checkbox"/> Claims <input type="checkbox"/> Other _____	

POLICY PURPOSE

The purpose of this policy is to outline the guidelines for Troy Medicare Personnel to use Authorized Social Media Accounts as a way to communicate or market to prospective and current members or promote themselves for the purpose of generating leads for or interest in Troy Medicare Plans and/or sales. Any communication or marketing material must comply with the Centers for Medicare and Medicaid Services (CMS) Medicare Communication and Marketing Guidelines (MCMG) and all other applicable federal and state laws, rules, regulations and guidelines.

Troy Medicare is committed to complying with federal and state rules and regulations.

SCOPE

This policy applies to all Troy Medicare employees, contractors, volunteers, agents, trainees and other persons in the performance of work for Troy Medicare.

REFERENCES

- [Health Insurance Portability and Accountability Act \(HIPAA\), Public Law 104-191](#)
- HIPAA Privacy Rule 45 CFR § 164.514
(<https://www.ecfr.gov/current/title-45/subtitle-A/subchapter-C/part-164/subpart-E/section-164.514>)
- HIPAA Security Rule - 45 CFR [Part 160](#) and Subparts A and C of [Part 164](#)
- HIPAA Administrative Simplification Regulations, 45 CFR [Part 160](#), [Part 162](#), and [Part 164](#)
- CMS Medicare Communications and Marketing Guidelines (MCMG)
- 42 CFR 422 Subpart V, 42 CFR 423 Subpart V

RESPONSIBLE PARTIES

- All Troy Medicare employees and contractors
- Chief Compliance Officer
- Vice President, Development and Growth

DEFINITIONS

- **Social Media** – Any electronic tool that is based on user participation, user-generated content and conversation between users. Agents may use the social media accounts listed below. Use of any other social media channel is strictly prohibited.
- **MCMG** - Medicare Communications and Marketing Guidelines are the rules that govern our interactions with Troy Medicare members and the public at large.
- **Communications** - Is defined in the MCMG, “activities and use of materials by the Plan/Part D Sponsor to provide information to current and prospective enrollees.”
- **Marketing** – Is defined in the MCMG, “a subset of communications which includes activities and use of materials by the Plan/Part D sponsor with the intent to draw a beneficiary’s attention to a plan or plans and to influence a beneficiary’s decision-making process when selecting a plan for enrollment or deciding to stay enrolled in a plan (retention-based marketing). Additionally, marketing contains information about the plan’s benefit structure, cost sharing, measuring or ranking standards.”
- **Authorized Social Media Accounts** - Means a Troy Social Media Account for which the Troy employee has received permission to post on a Troy Social Media Account content that has been pre-approved by the Troy Compliance department.

POLICY

Only employees who have received written authorization may post pre-approved content on Authorized Social Media Accounts.

Social Media Guidelines

Employees must adhere to the following Social Media Guidelines and may only use the Troy Medicare Approved Materials when communicating through Authorized Social Media Accounts. Employees must check with the Compliance team for a list of approved content.

In addition, the MCMG and the applicable regulations must be followed. Any violation of this policy will result in disciplinary action, up to and including termination of employment.

PROCEDURE

Employees may:

- Post only pre-approved content on an approved social media platform, using a Troy Medicare Authorized Social Media Account.
- Provide plan contact information in the informational section of the approved social media platform or in response to a request for more information from a consumer.
- Reply to an individual’s post, comment, or private message that asks general educational questions where the response would fall under the definition of a Communication and not

include any type of Marketing (plan cost or benefit information), as defined in the MCMG and the applicable regulations. The request must be initiated by the individual and Troy employees must respond using the same method that the consumer used to reach out to the Troy employee/Troy Medicare (for example, responding to an individual's private message with a private message). Troy employees may not respond to questions beyond what was asked. This includes responses to posts, comments, or private messages. Responses must be factual in nature and done in such a manner as to not imply any Marketing.

Important reminder: Troy employees may not modify pre-approved marketing materials in any way.

Troy Medicare Employees must:

- File any Social Media accounts used to promote Troy Medicare Plans with the Troy Compliance Department.

Adhere to Troy Medicare's Code of Business Conduct, Employee Handbook, and other company policies when using Social Media in reference to Troy Medicare.

- Use good judgment when displaying a Social Media persona.
- Refer inquiries related to legal questions to Troy Medicare's Chief Compliance Officer.
- Be courteous and respectful when interacting with anyone on Troy Medicare Social Media.
- Not express personal opinions of any nature when representing the Troy Medicare brand.
- Always act responsibly and respectfully when posting any content on Social Media. This includes not posting disparaging, threatening, harassing, discriminatory or other inappropriate content.
- Never imply or state that anything posted to a personal account by the employee is the opinion of Troy Medicare.
- Any reference to a Marketing/sales event on a Social Media platform must be approved by the Troy Compliance department and include the required disclaimers.
- Please Note: Should an individual ask specific plan benefit questions, make negative or derogatory comments on Social Media, Troy employees should contact his/her manager for guidance on how to handle the situation.

Employees may NOT:

- Create their own content that falls under the definition of Marketing to post on any Social Media platform. This includes, but is not limited to, posting any information about plan benefits, premiums, or Star ratings without first receiving approval from the Troy Compliance Department.
- Post or add comments or responses that include any type of Marketing.
- Alter the pre-approved post (other than the approved customizable fields), such as by adding content to the feed, or in the comments section.
- Use Social Media platforms' interactive functionality (e.g. Messenger, Chat function) as a

means to initiate (unsolicited contact) communication directly with consumers and/or members.

- Although not an exclusive list, some specific examples of prohibited social media conduct include:
 - Engaging in conversations on Social Media that involve any discussion or disclosure of personal health information or share protected and confidential information, including, but not limited to: personally identifiable information, credit card information, social security numbers, or health information; commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment.
 - Engaging in conversations on Social Media with the press or in relation to any media inquiry. This could include, but is not limited to, requests from a media outlet, someone tagging a media outlet, someone asking the agent to be a spokesperson or give a statement related to a media inquiry. Any such inquiries must be referred to your Troy Medicare Manager.
- Engage in any Troy Medicare member service-related dialogue on any Social Media sites.
- Post photos of prospects or members without an individually signed, Troy approved photo release.
- Push Troy Medicare-related content to another group's Facebook page by tagging them or posting directly on their page.
- Engage in unsolicited contact. If an individual comments, likes or follows an agent on Social Media, this does not give the agent permission to contact the individual. However, employees can reply to direct, general educational questions, as outlined above.
- Post any content to target or tag an individual using Social Media tools.
- Communicate with any government-related entity. Troy employees must contact the Troy Compliance department if any government official reaches out or otherwise engages with a Troy employee on Social Media.
- Use paid ads through any Social Media channel. For example, Troy employees may not create a Facebook ad campaign without Compliance approval for the ad and any content.
- Use sweepstakes or giveaways with the stipulation that someone must "Like" their page or encourage followers as a means to participate.

Consequences of Non-Compliance

Failure to comply with any part of Troy Medicare's policy, standards, guidelines and procedures may result in disciplinary action up to, and including, termination of employment with Troy Medicare. In addition, state and/or federal agencies may take action in accordance with applicable laws, rules and regulations.

Troy Medicare reserves the right to employ technical controls to audit and enforce this policy, including without limitation, monitoring Social Media sites, company computers, company cell phones and other company devices to ensure compliance with this policy. Violations of this policy may result in disciplinary action up to, and including termination, even if such conduct was engaged after hours or off Troy Medicare's premises.

Use of Third-Party Advertisers

Before using any entity or vendor not directly contracted with Troy Medicare to assist with marketing Troy Medicare plans, Troy employees, contractors and consultants must ensure that the entity or vendor utilized will abide by all CMS and any other state and federal rules (including, but not limited to, permission to contact and HIPAA provisions). Activities that may result in the sale of a Troy Medicare plan are subject to Troy Medicare policy and procedure. You must verify with Troy Medicare leadership any claims by a vendor that the vendor is contracted with Troy Medicare prior to engaging with the vendor.

Use of Marks

All websites and/or Social Media accounts that post the Troy Medicare brand name, logo, hyperlink, and/or branded resources must be approved by Troy Medicare Compliance.

Any new accounts or websites on which an employee intends to use the Troy Medicare brand name, logo, hyperlink, and/or branded resources must be approved by Troy Compliance Department. Acknowledgement of an employee's Social Media account submission is not an approval by Troy Medicare.

Personal Social Media

Troy Medicare does not prospectively review and approve personal websites. Each employee, contractor and consultant is responsible for the compliance of any personal website or personal Social Media account.

The guidelines in this policy are not intended, and shall not be construed, to restrict employees from using Social Media to engage in legally protected communications regarding wages, working conditions and other terms and conditions of employment. Such legally protected Social Media communications, conducted on your own time, do not violate this policy

ATTACHMENTS/RELATED POLICIES/STANDARD OPERATING PROCEDURES/FORMS

- SALES_002 Troy Medicare Sales Events and other Community Events

APPROVALS

Sally Scott

Chief Compliance Officer

Dec 2, 2024

Date

Christina Za

Policy Committee

Dec 2, 2024

Date

Revision History:

Date	Author	Revision Notes
4.1.2023	S Scott	Initial policy
12.29.2023	E Young	Annual review, no revisions
11.21.2024	S Scott	Annual review. Revisions to references, responsible parties, policy and procedure.