



Louisiana Department of Health and Hospitals Health Plan Advisory 13-3 April 9, 2013

Guidance for ACA Health Insurance Exchange Participation

The Department of Health and Hospitals (DHH) is providing the following marketing guidance for Bayou Health Plans that intend to participate in the Health Insurance Exchange (Exchange) portion of the Affordable Care Act (ACA).

Any Health Plan that establishes a commercial product for participation in the Exchange may use their Bayou Health Plan name and branding, but there must be a distinction between the two products incorporated into that branding and any logo usage to ensure the two are easily distinguishable. This is necessary to ensure federal requirements against direct marketing to Medicaid members are not compromised. Additionally, distinct branding helps protect the Bayou Health Plan from marketing violation claims that could result in sanctions.

DHH has no jurisdiction to approve or authorize any Exchange activities, including the review of marketing and member materials. It is the responsibility of the individual Health Plan to ensure their Exchange products are approved by the proper authorities, including the Louisiana Department of Insurance and the United States Department of Health and Human Services. The individual Health Plan is also responsible to ensure that marketing does not violate any of the terms and conditions of their Bayou Health contract with DHH.

Bayou Health Plans shall not utilize their Bayou Health member data to outreach to potential members for their Exchange product line. Use of any data on Bayou Health Members for non-Medicaid purposes would be a violation of the confidentiality agreements in place between DHH and the Health Plan. This does not prohibit the Exchange Plan from utilizing other market research or purchased mailing lists to outreach to potential members that will likely include individuals on their Bayou Health product line's member roster.