

## **MCO Member Electronic and Preferred Contact Communications Uniform Managed Care Manual Clarification**

### **Background:**

In accordance with [House Bill \(H.B.\) 2802](#), 88<sup>th</sup> Legislature, Regular Session, 2023, the Health and Human Services Commission (HHSC) published amended Uniform Managed Care Manual (UMCM) language in Chapter 16.1.30, "MCO and Member Communication Through Telephone, Text Message, and Email Policy" on February 29, 2024, and became effective April 1, 2024.

The amended UMCM language includes the following authorizations:

- In accordance with [Texas Human Resources Code §32.025](#), HHSC previously authorized managed care organizations (MCOs) and their subcontractors to communicate with members through electronic means, including telephone, text message, and email, using the member's contact information and communication preferences obtained from:
  - the Medicaid and CHIP eligibility application;
  - eligibility renewal forms; and
  - updated member communication preferences received from HHSC or the member thereafter.
- In accordance with [Texas Government Code §533.008](#) (as amended by H.B. 2802), HHSC guidance authorizes the MCO to communicate through electronic means, including telephone, text message, and email, with their members who provide their contact information via methods other than in the Medicaid and CHIP eligibility application and related updated member communication preferences.
- On January 23, 2023, the Federal Communications Commission (FCC) issued a [declaratory ruling](#) to allow a Medicaid and CHIP applicant's provision of their phone number on the Medicaid and CHIP eligibility application to constitute prior express consent for the MCO to call or text the applicant for eligibility and enrollment purposes by MCOs.

This MCO notice clarifies HHSC's intent of the amended UMCM policy.

### **Key Details:**

The prior express consent discussed by the FCC declaratory ruling is an additional avenue for an MCO to obtain consent to contact their members by telephone or text message. This may be relevant in situations such as when the contact preference section of an application is blank but contact information is included in other parts of the enrollment forms. The limitations associated with the FCC prior express consent (i.e., only for eligibility and enrollment purposes) do not apply to MCO

communications sent to Medicaid or CHIP members that provide contact information pursuant to Texas Human Resources Code §32.025, Texas Government Code §533.008, or both.

MCO communications sent to members through electronic means, including telephone, text message, or e-mail, that use contact information obtained pursuant to Texas Human Resources Code §32.025 and Texas Government Code §533.008 can be used to:

- Share information about eligibility and enrollment matters.
- Share health-related materials as defined in the Medicaid and CHIP managed care contracts.
  - For example, this can include text messages providing health education about postpartum visits to pregnant members.
  - All health-related materials must comply with applicable provisions in [UMCM 4.3 Marketing and Member Materials Policy](#) and all other requirements set forth by HHSC.
- Share health-related appointment reminders.
  - For example, text message reminders for prenatal appointments, immunizations, or well-child visits.
  - For well-child visits, a text message or email communication may not replace existing required communications sent by mail.
- Share health-related screening reminders.
- Conduct MCO service coordination activities as allowed by service coordination or service management requirements in the Medicaid and CHIP managed care contracts.
  - Health-related materials, appointment reminders, and screening reminders delivered through text message or email may be a component of MCO service coordination and service management programs.
- Share information about other health care matters.

**Additional Information:**

HHSC will update UMCM Chapter 16.1.30, “MCO and Member Communication Through Telephone, Text Message, and Email Policy” in early summer 2024 to reflect these clarifications.

**Resources:**

[UMCM Chapter 16.1 - Medicaid and CHIP Contract Operational Guidance \(texas.gov\)](#)

UMCM Updates for February 29 (see attachment)

**Contact:**

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