



Date: April 17, 2013

From: Center for Consumer Information and Insurance Oversight

Title: Frequently Asked Questions

Subject: USING SECTION 1311(a) FUNDING FOR MARKETING ACTIVITIES IN A PLAN MANAGEMENT STATE PARTNERSHIP MARKETPLACE OR IN STATES WITH A FEDERALLY-FACILITATED MARKETPLACE

Q1. May states in a Plan Management (PM) State Partnership Marketplace (SPM) or states in which the federal government will operate a Federally-facilitated Marketplace (FFM States) apply for and use Section 1311(a) funding to engage in marketing activities (including but not limited to production and distribution of brochures, direct mail, print ads, social media and digital/online ads, and TV and radio buys) related to the PM SPM or FFM, even though they are not participating in a State-based Marketplace or a Consumer State Partnership Marketplace?

A1. Yes. FFM States or PM SPMs may conduct statewide marketing activities to promote the PM SPM or FFM using Section 1311(a) grant funds provided they meet the following criteria:

- Materials must use federal messages and language, which can be found on the CMS Marketplace website: <http://marketplace.cms.gov/index.html> under the “[Explore Research](#)” tab.
- All marketing activities carried out in FFM States or PM SPMs must be performed in coordination with the U.S. Department of Health and Human Services (HHS). For example, materials produced by the state must be shared with HHS in advance of printing and distribution. Ample time must be allowed for HHS to review and provide any necessary feedback (usually within 30 days).
- Materials must be 508 compliant and accessible to persons with disabilities and persons with limited English proficiency.

Q2. May PM SPMs or FFM States that choose to produce their own marketing materials include a state logo on them or otherwise brand the materials?

A2. States participating in PM SPMs or FFM States that choose to produce their own marketing materials are permitted to place a single state emblem (such as the state flag or seal) on the materials in place of the HHS seal. However, the Federal Health Insurance Marketplace logo must appear on the materials.

PM SPMs and FFM States may not otherwise brand their materials. As stipulated in the [January 3, 2013 Guidance on the State Partnership Exchange](#), only states in a Consumer State Partnership Marketplace may brand their consumer assistance programs, including Navigators and In-person counselors, by using a separate logo or brand, such as a distinct name and tagline, developed to unify all consumer assistance components.

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