ALABAMA DEPARTMENT OF INSURANCE
ADMINISTRATIVE CODE

CHAPTER 482-1-079
HEALTH MAINTENANCE ORGANIZATIONS GENERALLY

482-1-079-.06 Advertising.

Advertising includes printed and published material, descriptive literature and sales aids, sales talks and sales materials, booklets, forms and pamphlets, illustrations, depictions and form letters, newspaper, radio, television or direct mail advertising.

Advertising must be truthful and not misleading in fact or implication. Words or phrases shall not be used whose meaning is unclear, ambiguous or whose understanding depends upon familiarity with technical terminology.

Words, phrases or illustrations shall not be used in a manner which misleads or has the capacity or tendency to deceive or mislead.

Each HMO shall maintain at its home or principal office a complete file containing a specimen copy of every printed, published, or prepared advertisement disseminated with a notation indicating the manner and extent of distribution and the form number of any contract or health service plan advertised. Such file shall be subject to inspection by the Commissioner or the Public Health Officer. All such advertisements shall be maintained in said file for a period of either four years or until the filing of the next regular report on the financial examination of the HMO, whichever is sooner.

Each HMO subject to the provisions of this chapter shall file with its Annual Statement a certificate of compliance executed by an authorized officer of the HMO wherein it is stated that to the best of his or her knowledge, information, and belief the advertisements which were disseminated in this state by or on behalf of the HMO during the preceding statement year complied or were made to comply in all respects with the provisions of this chapter and the laws of Alabama.

If the Commissioner finds that it may be in the best interests of the public due to possible violations of the Trade Practices Law or the Deceptive Practices Act by the HMO or its agents, he or she may require particular HMOs or agents to submit all or any part of their advertisements to him or her for review prior to use.

All advertisements must contain the name and address of the HMO as filed with the Commissioner.

Author: Commissioner of Insurance
Statutory Authority: Code of Ala. 1975, §§27-2-17, 27-21A-19.
History: New Rule: Filed April 22, 1987; effective May 8, 1987. Filed for codification in the Alabama Administrative Code by the Department of Insurance on April 23, 2004, pursuant to the Code of Ala. 1975, §27-7-43.