

ANTHEM VENDOR GUIDELINES FOR TCPA COMPLIANCE

The Telephone Consumer Protection Act (TCPA) is a federal statute that aims to increase consumer privacy protections by restricting outbound telecommunications, including telephone calls and text messages, made for telemarketing and non-telemarketing purposes, with the use of an automatic telephone dialing system (also known as an autodialer or “ATDS”) and/or prerecorded messages. Any dialing equipment that has the capacity to store or produce telephone numbers to be called using a random or sequential number generator, and to dial such numbers is considered an ATDS for TCPA enforcement purposes, even if additional software components need to be added to make it function as an ATDS or the system is not currently being used for autodialing. Absent compelling proof to the contrary by the vendor, Anthem policy presumes that the vendor is utilizing an ATDS for all call campaigns.

Vendors placing outbound calls or text messages to consumers on behalf of Anthem or its affiliates (“Anthem”) must provide evidence of compliance with the TCPA, the federal Telemarketing Sales Rule (“TSR”) for telemarketing calls, and state law corollaries to the TCPA and Do Not Call (“DNC”) requirements (collectively “TCPA requirements”) via documented processes, as applicable. Written policies, procedures, and program documents must be maintained and provided to Anthem upon request for Anthem’s review. Vendors must provide immediate notice to Anthem of any material changes in its documentation, processes, or services provided on behalf of Anthem in accordance with its agreement with Anthem.

A. Anthem Vendor Checklist for TCPA Compliance

The vendor submits a completed checklist to Anthem and confirms at least on an annual basis that the information provided in the checklist is still current. Vendors must provide immediate notice to Anthem of any material changes in the information provided in the checklist. The vendor must submit an updated checklist when information previously provided to Anthem has changed. Anthem will complete a review of the checklist and provide feedback as necessary.

Anthem Reviewer Note:

- Validate that vendor has submitted a completed checklist.
- Confirm that information provided to Anthem is still current.
- Obtain an updated checklist if information provided to Anthem has changed.

B. Assessing Risks and Vulnerabilities

The vendor must complete an assessment of potential risks and vulnerabilities with TCPA requirements on at least an annual basis. If non-compliance with TCPA requirements is detected, vendor informs Anthem of the date identified and the corrective action(s) taken.

Anthem Reviewer Note:

- Validate that vendor has completed a risk assessment within prior 12 months.
- Confirm whether vendor has detected non-compliance with TCPA requirements within prior 12 months.
- Validate that vendor has informed Anthem of the date identified and the corrective action(s) taken for any detected non-compliance with TCPA requirements.

C. Written Policies and Procedures

The vendor must maintain written policies and procedures that are consistent with Anthem policy and guidelines, and that include, at minimum, the following elements:

1. Process for complying with DNC requirements under the TCPA, TSR, and state laws, as applicable.
2. Mechanism for receiving DNC requests and ensuring that information captured from the requestor includes, at minimum, the date of request, requestor's full name, and telephone number.
3. Mechanism for forwarding all DNC requests to Anthem as soon as possible but not later than 5 business days from receipt of request.
4. Mechanism for ensuring that subsequent calls to a phone number are not placed at any time after a DNC request is made to the vendor.
5. Process for verifying Anthem's instructions for all calling and texting campaigns prior to initiating a campaign.
6. Process for ensuring Anthem's instructions on modality of calling (ATDS, prerecorded, text, manual, etc.) are followed.
7. Mechanism for capturing complaints reflecting potential compliance issues on the quality of the campaign.
8. Mechanism for forwarding all complaints to Anthem as soon as possible but not later than 5 business days from receipt of complaint.
9. Mechanism for ensuring that complaint information forwarded to Anthem includes, at minimum, the date the complaint was received, complainant's full name, telephone number, and reason for the complaint. The complaint information should also include

the date, time, and reason the vendor placed the call or text message (e.g., campaign name) that is the subject of the complaint.

10. Caller ID Display transmits a telephone number, and when available by the vendor's telephone carrier, the health plan name (which must conform to applicable BCBSA and Anthem branding requirements). The telephone number displayed must be a telephone number that permits any individual to make a DNC request during regular business hours.
11. Call Abandonment Requirements - when predictive dialer technologies (this includes auto-dialers) are used, the dialer will abandon no more than 3% of all calls placed and answered by a person, unless a more stringent state-specific requirement applies.
 - What is the vendor's methodology for calculating abandonment rate? (A call is considered "abandoned" if a person answers it and the telemarketer does not connect the call to a sales representative within 2 seconds of the person's completed greeting.) The vendor's methodology must conform to the following:
 - Ensure the auto dialer will abandon no more than 3% of all calls answered by a live person, measured over the duration of a single calling campaign, if less than 30 days, or separately over each successive 30-day period or portion thereof that the campaign continues, unless a more stringent state-specific requirement applies.
 - Allow the telephone to ring for 15 seconds or 4 rings before disconnecting an unanswered call.
 - Play a recorded message stating the company name and telephone number whenever a live sales representative is unavailable within 2 seconds of a live person answering the call (the recorded message may not contain any sales or marketing message and the number included must be one that the individual can use to request to be placed on the Anthem Do Not Call List).
12. Opt-Out for Prerecorded Message calls:
 - For sales calls, vendor must provide an automated interactive opt-out mechanism that is announced and made available at the outset of the message and remains available throughout the duration of the call. (This opt-out mechanism must automatically remove the calling number from the current call campaign.)
 - For health-related and informational (non-sales) calls, vendor must use Anthem's toll-free number that will add the individual's telephone number to the Anthem's internal DNC list.
 - Messages left on answering machines must contain Anthem's toll-free number that will allow the individual's telephone number to be added to the Anthem

internal DNC list. (Calls to individuals must clearly identify the caller and the intended recipient.)

13. Time of day/calling hours - no calls or texts will be placed before 9:00 a.m. local time or after 9:00 p.m. local time.

For Sales purposes only, more restrictive hours apply to area codes in the following states:

Alabama:	9:00 a.m. until 8:00 p.m. local time
Kentucky:	10:00 a.m. until 9:00 p.m. local time
Louisiana:	9:00 a.m. until 8:00 p.m. local time
Maine:	9:00 a.m. until 5:00 p.m. local time
Massachusetts:	9:00 a.m. until 8:00 p.m. local time
Nevada:	9:00 a.m. until 8:00 p.m. local time
Rhode Island:	9:00 a.m. until 6:00 p.m. local time (10a.m.-5p.m. Sat.)
Wyoming:	9:00 a.m. until 8:00 p.m. local time

14. Modifying or updating phone numbers by using a phone number append service or look up service is not permitted without express permission in writing from Anthem. Anthem's policy requires that the vendor's system not feed numbers from third-parties into TCPA-regulated outbound call or text campaigns.
15. Record retention standard.
16. Process for evaluating compliance with the vendor's written policies and procedures.
17. Process for annual training on vendor's written policies and procedures.

Anthem Reviewer Note:

- Validate that vendor's written policies and procedures contain each applicable element noted above.
- Validate that vendor completed a review of its written policies and procedures within prior 12 months.
- Request reports for:
 - a) DNC requests, including date of request, requestor's name, and telephone number, received within prior 12 months;
 - b) Complaints, including date of complaint, complainant's name, telephone number, and reason for complaint, received within prior 12 months;
 - c) For each employee required to complete TCPA policy training within the prior 12 months, employee's name (or other unique employee identifier) and date TCPA training completed.

REVIEW AND REVISION HISTORY

Action	Date	Summary of Changes
Issued:	8/3/2015	
Revised:	11/20/2015	For Sales calls, added more restrictive calling hours for: KY, LA, ME, MA and RI.
Revised:	1/5/2016	For Sales calls, added more restrictive calling hours for: AL, NV, and WY. Updated RI.
Revised:	1/22/2016	Added provision (#14) for appended numbers.