**Section 2051.360 Advertising and Solicitation**

a) No administrator or its representative shall cause, or knowingly permit the use of, advertising, solicitation, or any form of evidence of coverage that encourages misrepresentation, or is untrue, misleading or deceptive, unjust, unfair, inequitable, ambiguous, inconsistent, or contrary to law or to the public policy of this State;

b) No administrator may represent or describe itself in its name, contracts or literature as a "health maintenance organization" or "HMO", nor may it hold itself out or represent itself as being an insurance company, limited health service organization or a health service corporation, unless such is the case;

c) No DHCSP administrator may use the following terms in its advertisements, marketing material, brochures or DHCSP cards: "health plan", "coverage", "copay", "copayments", "deductible", "preexisting conditions", "guaranteed issue", "premium", or other terms in a manner that could reasonably mislead an individual into believing that the product being offered is health insurance;

d) No DHCSP administrator may use language in its advertisements, marketing material, brochures or DHCSP cards with respect to being "licensed" or "registered" by the Department in a manner that could mislead an individual into believing that the DHCSP is health insurance;

e) Whether an advertisement has a capacity or tendency to mislead or deceive shall be determined by the Director from the overall impression that the advertisement may be reasonably expected to create upon a person of average education or intelligence within the segment of the public to which it is directed;

f) If the Director finds that any advertisement of a preferred provider program has materially failed to comply with this Part, the Director may, pursuant to the authority in Section 149 of the Code, by Order, require the administrator to publish in the same or similar medium an approved correction or retraction of any untrue, misleading or deceptive statement contained in the advertising. The Director may prohibit the administrator from publishing or distributing, or allowing to be published or distributed on its behalf, the advertisement or any new materially revised advertisement without first having filed a copy of the advertisement with the Director 30 days prior to its publication or distribution, or within any shorter period specified in the Order.

(Source: Amended at 37 Ill. Reg. 2895, effective March 4, 2013)