



CENTER FOR MEDICARE

DATE: June 18, 2014

TO: Medicare Advantage Organizations
Medicare Advantage-Prescription Drug Organizations
Section 1876 Cost Plans
Prescription Drug Plan Sponsors Employer/Union-Sponsored Group Health Plans
Medicare-Medicaid Plans

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SUBJECT: Updated Medicare Marketing Guidelines

The Centers for Medicare & Medicaid Services is pleased to announce the release of the final updated Medicare Marketing Guidelines (MMG) for Medicare Advantage organizations (MAOs); prescription drug plan (PDP) sponsors; section 1876 cost-based contractors; demonstration plans, including Medicare-Medicaid Plans; and employer and union-sponsored group plans, including employer/union-only group waiver plans (EGWPs). The MMG will be effective upon release of the CY2015 marketing materials. This document is posted at:

<http://www.cms.gov/Medicare/Health-Plans/ManagedCareMarketing/FinalPartCMarketingGuidelines.html> and
<http://www.cms.gov/Medicare/Prescription-Drug-Coverage/PrescriptionDrugCovContra/PartDManuals.html>.

On November 20, 2013, CMS invited the industry to provide feedback on the MMG along with other areas of marketing operations or policy that should be included in future guidance. We received 110 responses to our solicitation for feedback. After careful analysis of all comments received and taking into consideration the recently issued final regulations (CMS-4159-F), we have made a number of important revisions and clarifications to the final guidance, all shown in red text. Some of the changes include:

- **Co-branding with Providers or Downstream Entities-** We clarified that Part D Sponsors are prohibited from displaying the names and/or logos of co-branded providers on the Part D Sponsor's member identification card, per 42 CFR §423.2268(n).
- **Revised Outbound Enrollment Verification Process-** We revised section 70.7 to meet the requirements set forth in 42 CFR § 422.2272 and § 423.2272. Effective upon release of the MMG, Plans/Part D Sponsors are allowed the flexibility to decide the form and

manner of their communications with enrollees to ensure they fully understand the plan benefits and rules.

- **Agent Broker Compensation-** We made changes to reflect the finalized regulations regarding Agent/Broker Compensation. Since the compensation regulations mentioned in section 120.4 are effective for January 1, 2015 enrollments, plans should continue to follow guidance in the previous MMG until January 1, 2015. We also improved the organization of section 120- Marketing and Sales Oversight and Responsibilities.

When making revisions we kept in mind that Plans/Part D Sponsors are responsible for:

- Ensuring compliance with CMS' current marketing regulations and guidance, including monitoring and overseeing the activities of their subcontractors, downstream entities, and/or delegated entities;
- Full disclosure when providing information about plan benefits, policies, and procedures; and
- Documenting compliance with all applicable MMG requirements.

Should you have any questions, please contact your Account Manager and/or Marketing Reviewer.