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DATE: October 30, 2006

TO: Medicare Advantage Organizations

FROM: David A. Lewis, Acting Director, Medicare Advantage Group
Cynthia G. Tudor, Ph.D. Director, Medicare Drug Benefit Group

RE: Provider Promotional Activity for Special Needs Plans

The Medicare Marketing Guidelines currently allow Special Needs Plans (SNP) to conduct a variety of provider promotional activities. Providers may notify their patients of their affiliation with MA plans under two circumstances:

- (1) Providers may make a one-time notification for their new affiliation with a Medicare Advantage (MA) organization that may exclusively list the new affiliation.
- (2) Providers may inform their patients of ongoing MA plan affiliations, but this affiliation notice must include all the MA plans with whom the provider contracts.

The Centers for Medicare & Medicaid Services (CMS) recognizes that some people with Medicare look to their health care professionals to provide them with information about their health care choices. In an effort to ensure that people who may qualify for a SNP fully understand their SNP enrollment options, CMS is refining its guidance for provider promotional activities under option 2 in the following way:

Providers may now feature SNPs in a mailing announcing an ongoing affiliation.. This mailing may highlight the providers' affiliation or arrangement by placing the SNP affiliations at the beginning of the announcement and may include specific information about the SNP, like special plan features, the population the SNP serves, or specific benefits for each SNP. **The announcement must also list all other MA organizations with which the provider is affiliated.**

Please remember, CMS must approve provider affiliation communication materials that describe plans in any way, including those examples listed above. CMS doesn't need to approve materials that indicate the provider has an affiliation with certain plans and only lists plan names and/or contact information.

If you have any questions concerning, please contact your regional office reviewer.