Medicare Advantage Plan Marketing by Providers

Marketing in the Medicare program extends beyond traditional advertising. Centers for Medicare and Medicaid Services (CMS) has determined that marketing includes any activities or materials created and targeted to Medicare beneficiaries that are conducted or distributed by parties covered by CMS rules.

CMS is concerned with provider marketing activities for the following reasons:

- Providers may not be fully aware of all plan benefits and costs
- Providers may confuse the beneficiary if the provider is perceived as acting as an agent of the plan versus acting as the beneficiary’s provider
- Providers may face conflicting incentives when acting as a plan representative

SelectHealth is responsible for all marketing materials used by our partners to market our plan. SelectHealth must ensure that all of CMS’ marketing regulations and guidance are followed. All materials marketing SelectHealth Advantage must be submitted by SelectHealth and approved/accepted before use. Please contact either the SelectHealth Marketing team or the Medicare Compliance team for more details and information about marketing material guidelines and rules including events, letters, advertisements, presentations, member communications, etc.

The follow are tips for provider organizations in achieving compliance with CMS regulations. The Medicare Marketing Guidelines can be found in Ch.3 of the Medicare Managed Care Manual found on www.cms.gov.

**Do**

- Include disclaimers on materials that use both SelectHealth’s and St. Luke’s logos
- Include all relevant disclaimers as dictated by the content of the material
- Report suspected marketing guideline violations by SelectHealth or any other plan sponsor to the plan sponsor or CMS.
- When asked, provide assistance to beneficiaries to select a plan that is in their best interest.
- Limit sales and marketing activities/distribution to common areas of healthcare settings (i.e. cafeterias, recreation rooms, conference rooms).
- Distribute or make marketing materials available for all plan sponsors upon plan request (if an initial plan sponsor is initially allowed to make materials available)
- Provide the name of plans with which you contract and/or participate
• Refer patients to other sources of information plan marketing representatives, the state Medicaid Office, the local Social Security Office, or CMS @ www.medicare.gov or 1-800 MEDICARE.

• Share information with patients from CMS’ website, including “Medicare and You” handbook or other CMS written or approved documents.

• Send materials that indicate the provider has an affiliation with certain plan sponsors and that only list plan names and/or contact information (no CMS approval necessary).

**Don’t**

• Conduct sales and marketing activities in waiting rooms, exam rooms, patient rooms, treatment areas, and pharmacy counters, among others even outside of normal business hours

• Offer sales or appointment forms to beneficiaries

• Accept Medicare enrollment applications

• Distribute materials or applications within the exam room setting

• Make phone calls or otherwise attempt to persuade beneficiaries to enroll in a specific plan based on financial or any other interests of the provider

• Mail marketing materials on behalf of the plan sponsor

• Offer anything of value to induce plan enrollees to select them as their provider

• Offer inducements to persuade beneficiaries to enroll in a particular plan

• Conduct health screening as a marketing activity

• Accept compensation in any form from the plan sponsor in exchange for soliciting beneficiaries