Medicare Advantage Plan Marketing by Providers

Marketing in the Medicare program extends beyond the general concept of advertising materials. 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 following are tips to help providers and provider organizations remain compliant with CMS marketing guidelines. The Medicare Marketing Guidelines can be found in Chapter 3 of the Medicare Managed Care Manual available on www.cms.gov.

Do

- Submit all proposed marketing materials to SelectHealth for review. SelectHealth will submit materials to CMS, if necessary.
- Include all disclaimers relevant to the content of the material.
- Provide assistance to beneficiaries to select a plan that is in their best interest, when asked.
- Remain neutral when assisting patients; provide an objective assessment of the patient’s needs and the potential options to meet those needs.
- 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 such as plan marketing representatives, the state Health Insurance Assistance Program, 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 if no plan specific benefit information is included).

• Report suspected marketing guideline violations to the SelectHealth.

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 a plan sponsor.

• Offer anything of value to induce plan enrollees to select you 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 a plan sponsor in exchange for soliciting beneficiaries.