

New Marketing Guidelines for 2009

CMS recently released guidance to support the Medicare Improvement for Patient and Providers Act (MIPPA). MA organizations and Part D sponsors (CMS Contractors) are responsible for the actions of plan representatives including subcontractors and downstream entities like brokers and agents. As result, it is critical that we all comply with these regulations.

Below are key points to remember. For a more detailed understanding, please plan to attend one of our Webinars or visit <http://www.cms.hhs.gov/HealthPlansGenInfo/>

Marketing Events

- Meals may be provided at educational events only.
- Light snacks may be provided to prospective enrollees (fruit, raw vegetables, etc.)
- **Can** conduct sales activities in common areas only in healthcare settings (i.e cafeterias, recreational rooms, etc.)
- **Cannot** conduct sales activities or take enrollment in areas where patients primarily intend to receive health care service.

Marketing Calls

- Do not place any outbound marketing calls to members or to beneficiaries unless the beneficiary requested it.
- Do not place calls to members who have or are in the process of voluntarily dis-enrolling.

Scope of Appointment

- When scheduling an appointment with a potential enrollee, the Scope of Appointment must be documented before the appointment.
- The documentation must be in writing, in the form of a signed agreement by the beneficiary, or a recorded oral agreement.
- A plan or agent documenting the agreement is not acceptable, whether done in writing or using an electronic contact documentation system; it must have the beneficiary's agreement included.
- Only discuss information agreed to in the Scope of Appointment documentation.
- If potential enrollee wants information on a product outside of the original scope, a separate meeting must be scheduled at least 48 hours later.
- May leave marketing materials for next meeting as long as no enrollment application is left.

Auditing / Oversight

- CMS can monitor through an audit of Scope of Appointment documentation.
- The Health Plan will be conducting audits as well to ensure compliance with the CMS regulations.

Certification

- The Centers for Medicare and Medicaid Services, (CMS) requires all internal and external sales personnel to be certified prior to writing an MA / MAPD or PDP application.