Health Plan Promotional Activities

Medicare Advantage Plans **can**:

- Use direct mail (i.e., postcards, reply cards), but plans cannot include enrollment forms
- Use television advertisements
- Use radio advertisements
- Use outdoor advertising (i.e., billboards)
- Use banners
- Use print advertisements (i.e., newspaper, magazine, flyers, posters, brochures)
- Use internet advertisements
- Conduct sales presentations
- Distribute and accept enrollment applications
- Educate potential enrollees at health fairs
- Schedule appointments with beneficiaries upon request (including those in long-term care settings)
- Offer gifts to potential enrollees if they attend a marketing presentation as long as the gifts are of nominal value and are provided whether or not the individual enrolls in the plan
- Offer a drawing, prize or giveaway of any value to the general public as long as it is not routinely or frequently awarded (as long as there is no obligation to enroll in the plan in order to win the gift)
- Offer gifts of nominal value for patient referrals as long as the gift is available to all members and is not conditioned on actual enrollment of the person being referred
- Distribute marketing materials
- Offer health-related or non health-related "value added items and services" to plan members

Medicare Advantage Plans **cannot**:

- Offer cash gifts - including charitable contributions, gift certificates or gift cards that can be readily converted to cash
- Offer inducements to persuade beneficiaries to enroll in a particular plan or organization
- Offer anything of value to induce potential plan enrollees to select them as their Medicare Advantage Plan
- Conduct sales presentations and distribute and accept enrollment applications in areas of health care settings where patients primarily intend to receive health care services
- Solicit door-to-door for Medicare beneficiaries or through other unsolicited means of direct contact, including calling a beneficiary without beneficiary initiating the contact
- Provide or subsidize meals at any sales/marketing event or meeting where plan benefits are being discussed or plan materials are being distributed
- Market non-health care related products to prospective enrollees during any MA or Part D sales activity or presentation
- Market any health care related products during a marketing appointment beyond the scope agreed upon by the beneficiary

Health Plan Employee/Independent Contractor Sales and Marketing Agents

Medicare Advantage Health Plan Sales and Marketing Agents **must**:

- Use marketing materials that have been reviewed and approved by CMS
- Comply with the "Do not call registry;" honor "do not call" requests and abide by calling hours set forth in Federal and State law
- Provide information in a professional manner

Medicare Advantage Health Plan Sales and Marketing Agents **must not**:

- Solicit door-to-door for Medicare beneficiaries or through other unsolicited means of direct contact, including calling a beneficiary without beneficiary initiating the contact
- Imply that a face-to-face meeting is required for a beneficiary to receive information about a Medicare Advantage Plan

(continued)

Health Plan Employee/Independent Contractor Sales and Marketing Agents *(continued)*

Medicare Advantage Health Plan Sales and Marketing Agents **must**:	Medicare Advantage Health Plan Sales and Marketing Agents **must not**:
• Ensure that sales and marketing agents have received training and testing regarding compliance with CMS rules and regulations • Use state-licensed, certified, or registered individuals to market plans (if the state requires it) • Ensure that a marketing agent clearly identifies the types of products the marketing agent will discuss prior to marketing	• Send unsolicited email • Enroll beneficiaries through outbound telemarketing • Offer cash payment as an inducement to enroll • Misrepresent or use high pressure sales tactics • Engage in any activity which a Medicare Advantage Plan is prohibited from engaging in • Market non-health care related products to prospective enrollees during any MA or Part D sales activity or presentation • Market any health care related products during a marketing appointment beyond the scope agreed upon by the beneficiary

Provider Promotional Activities

Providers **can**:	Providers **cannot**:
• Provide the names of plans which they contract and/or participate in • Provide information and assistance in applying for the low income subsidy • Provide objective information on specific plan formularies, based on a particular patient's medications and health care needs • Provide objective information regarding specific plans, such as covered benefits, cost sharing, and utilization management tools • Distribute marketing materials, except for Medicare Advantage Plan enrollment application forms • Refer patients to other sources of information and share information from the CMS website • Use comparative marketing materials comparing plan information created by a third-party who doesn't provide benefits or health care services • Display posters or other materials that advertise their relationship with the plans • Help beneficiaries enroll in a plan that "best meets the beneficiaries' needs"	• Direct, urge, or attempt to persuade any prospective enrollee to enroll in a particular plan or to insure with a particular company based on financial or any other interest of the provider (or subcontractor) • Collect enrollment applications • Offer inducements to persuade beneficiaries to enroll in a particular plan or organization • Health screen when distributing information to patients, as health screening is a prohibited marketing activity • Offer anything of value to induce plan enrollees to select them as their provider • Expect compensation in consideration for the enrollment of a beneficiary • Expect compensation directly or indirectly from the plan for beneficiary enrollment activities

More information about Managed Care Marketing may be viewed at **www.cms.hhs.gov/ManagedCareMarketing**