



**MEDICARE DRUG & HEALTH PLAN CONTRACT ADMINISTRATION GROUP**

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DATE: November 19, 2014

TO: Medicare-Medicaid Plans in New York

FROM: Kathryn A. Coleman  
Acting Director

SUBJECT: New York MMPs: Updates of Participant Ombudsman Language in CY 2015  
State-specific Marketing Guidance and Model Materials

The purpose of this memorandum is to: (1) update a provision of the final CY 2015 marketing guidance regarding the required Participant Ombudsman disclaimer; and (2) update Participant Ombudsman contact information and disclaimer language on previously released CY 2015 models for New York Medicare-Medicaid Plans (MMPs).

**Updates to the State-specific Marketing Guidance**

On September 25, 2014, the Centers for Medicare & Medicaid Services (CMS) released final CY 2015 marketing guidance for Medicare-Medicaid Plans (MMPs) in New York. Section 50.19 of that guidance document requires the use of the following Participant Ombudsman disclaimer on all marketing materials and plan websites:

“The State of New York has created a Participant Ombudsman Program to provide Participants free, confidential assistance on any services offered by <plan name>. The Participant Ombudsman may be reached toll-free at <toll-free number> or online at <website URL>.”

This memorandum updates the language in that disclaimer as follows:

“The State of New York has created a participant ombudsman program called the Independent Consumer Advocacy Network (ICAN) to provide Participants free, confidential assistance on any services offered by <plan name>. ICAN may be reached toll-free at 1-844-614-8800 or online at [icannys.org](http://icannys.org).”

**Updates to Model Materials to Include Participant Ombudsman Information**

Since the release of the CY 2015 model materials for New York MMPs, the state has selected a Participant Ombudsman with the following contact information:

Independent Consumer Advocacy Network (ICAN)

Call: 1-844-614-8800

A free interpreter: 1-844-614-8800

TTY: 711

Monday-Friday, 8:00 am – 8:00 pm

Online: [icannys.org](http://icannys.org)

Plans must update their member materials to include this information, as well as to update the required disclaimer language consistent with this memorandum. In a November 18, 2014 email, the New York State Department of Health provided separate instructions to New York MMPs on how these updates should be made.

In addition, we clarify that the Plan Welcome Letter for Passive and Opt-in Enrollees (Exhibits 5a and 5b) issued to New York MMPs on November 13, 2014 does not need to include the Ombudsman disclaimer at the end of the letter. The current disclaimer language in the body of the model letter is sufficient to meet the requirements of section 50.19 of the New York MMP marketing guidance.

The changes in this memorandum are effective immediately, and we expect to revise the New York MMP marketing guidance and models to reflect these changes when we next update those documents for CY 2016.

If you have any questions about the contents of this memorandum, please contact the Medicare-Medicaid Coordination Office at [mmcocsmodel@cms.hhs.gov](mailto:mmcocsmodel@cms.hhs.gov).