



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

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Date: September 27, 2011

TO: Medicare Advantage Organizations  
Medicare Advantage-Prescription Drug Organizations  
Cost-Based Contractors  
Prescription Drug Plan Sponsors

FROM: Danielle R. Moon, J.D., M.P.A.  
Director

RE: Clarification of Marketing Disclaimer Requirements for Non-Renewal or Service Area Reductions

This memorandum provides clarification regarding the disclaimer to be used on the marketing materials of plans that are non-renewing their contracts or reducing their service area for contract year 2012 in accordance with section 50.1.22 of the Medicare Marketing Guidelines. Through this memorandum, we are revising that disclaimer to align with enrollment guidance in Chapter 2 of the Medicare Managed Care Manual and to reflect the correct dates of the special enrollment period for beneficiaries impacted by plan non-renewals or service area reductions. The current disclaimer states that beneficiaries are entitled to enroll in a new plan from October 1 to January 31; the dates have been revised as shown below.

*“< Insert plan sponsor name> will [(not be renewing its Medicare contract) or (will not be serving the following areas) or (not be offering individual beneficiary coverage)] effective January 1, <Upcoming Year>. You may choose to enroll in our plan, but your coverage will automatically end on December 31, <Current Year>. Because this plan ends on December 31, <current year>, if you decide to join, you are entitled to enroll in a new MA plan or PDP beginning *December 8*, <current year> through *February 29*, <Upcoming Year>. *However, if you want your enrollment in the new plan to take effect on January 1, <upcoming year>, the new plan must receive your application by December 31<sup>st</sup>.* You may also have the option of enrolling in a Medicare Cost Plan, if one is offered in your area. If you do not enroll in another MA plan, Medicare Cost Plan or PDP plan by *December 31*, <current year>, you will be disenrolled from our plan and enrolled in Original Medicare on this date. You will receive additional information in the fall about your rights and additional options.”*

The above model language may be used as an attachment or addendum or in a script for customer service representatives. This revised disclaimer is effective immediately upon release. Plan sponsors should contact their CMS Regional Office Account Manager or Marketing Reviewer with any questions about these requirements and materials that have already been submitted.