

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, Maryland



CENTER FOR MEDICARE

February 26, 2026

WARNING LETTER

Contract ID: H2322, H2354

Parent Organization: Henry Ford Health System

Legal Entity: ALLIANCE HEALTH AND LIFE INSURANCE COMPANY, HEALTH ALLIANCE
PLAN OF MICHIGAN

Johnathan Randle
Mr. Johnathan Randle
1414 E Maple
Troy, MI 48083

VIA EMAIL: jrandle4@hap.org

Subject: Failure to Adhere to Medicare Advantage Marketing Requirements

Dear Johnathan Randle:

The Centers for Medicare & Medicaid Services (CMS) is issuing this warning letter to the legal entities listed above, which operate the Medicare Advantage Prescription Drug Plan (MA-PD) Contract IDs H2322 and H2354, regarding your organization's failure to adhere to marketing regulations prohibiting marketing during the Open Enrollment Period (OEP) and knowingly targeting or sending unsolicited marketing materials during the OEP.

Pursuant to section 1851(e)(2)(G)(iv) of the Social Security Act and CMS's regulations at 42 C.F.R. §§ 422.2263(b)(7)(ii)(A) and 423.2263(b)(7)(ii)(A), during the OEP, MA organizations and Part D sponsors may not send unsolicited materials to potential enrollees advertising the ability or opportunity to make an additional enrollment change or referencing the OEP. In addition, 42 C.F.R. §§ 422.2263(b)(7)(ii)(B) and 423.2263(b)(7)(ii)(B) prohibit MA organizations and Part D sponsors from specifically targeting beneficiaries who are in the OEP because they made a choice during the Annual Enrollment Period (AEP) by purchase of mailing lists or other means of identification. Your organization is out of compliance with these Parts C and D requirements because your organization conducted marketing activities during the OEP and purchased mailing lists to target beneficiaries who are in the OEP based on choices made during the AEP.

In January 2025, CMS received a complaint regarding a mailing from your organization. Subsequently, on January 17, 2025, an employee in your organization's sales operation raised a concern to your organization regarding a marketing material that contained reference to the OEP. On January 31, 2025, your organization confirmed that on January 6, 2025, you mailed 857,431 marketing materials advertising

the 2025 OEP. You also confirmed acquiring a mailing list of prospective beneficiaries from a vendor for this targeted mailing. The mailing resulted in 501 beneficiary responses and 47 enrollments into your organization's MA-PD plans. Your organization reported that the root cause was a failure to appropriately oversee the approval and distribution of marketing materials.

To prevent this issue from recurring, your organization reported to CMS that your compliance contract administration staff and marketing teams were re-trained on marketing material requirements, with a specific emphasis on OEP requirements. In addition, your organization fixed a gap in your inventory reporting so that management will have improved visibility of your marketing inventory and associated risks. Finally, you reported that your organization is updating your review process for marketing materials.

Please be aware that this letter will be included in the record of your organization's past Medicare contract performance, which CMS will consider as part of the review of any application for new or expanded Medicare contracts your organization may submit. CMS determines this instance of non-compliance a Parts C and D issue. CMS notes that this compliance notice is being issued based exclusively on information that was obtained from sources other than your organization's self-disclosure.

CMS may consider taking additional compliance actions, including a formal request for a corrective action plan, or taking enforcement actions, including intermediate sanctions (e.g., the suspension of marketing and enrollment activities) or civil money penalties if these problems continue.

If you have any questions about this notice, please contact your CMS Account Manager Carlest Jenkins at: (404) 562-7427, or carlest.jenkins@cms.hhs.gov.

Sincerely,



Jeremy C. Willard, Director
Division of Surveillance, Compliance & Marketing
Medicare Drug & Health Plan Contract Administration Group
Centers for Medicare and Medicaid Services

CC via email:

Carlest Jenkins, CMS
Christine Reinhard, CMS Baltimore