



# Marketing

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# Discussion Topics

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- What is marketing
- How is marketing policy crafted
- Marketing challenges
- Commonly disapproved material types
- Examples of disapproved materials
- Best Practices

# What is Marketing?

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Steering, or attempting to steer, a potential enrollee towards a plan or limited number of plans, or promoting a plan or a number of plans.

Includes:

- Branding
- Education
- Sales Appointments

# Purpose of Marketing Policy

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- Provides Beneficiary Protection
- Framework for allowable practices
- Marketplace uniformity
- Provides information in a way the beneficiary can understand

# Crafting Marketing Policy

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# Challenges of Marketing

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- No one size fits all
- Complexity of Medicare program
- Technology changes nature of marketing
- Different Stakeholders

# Commonly Disapproved Materials

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- *Advertising (4000)*
  - Direct Mail
- *Enrollment/Disenrollment Forms (2000)*
  - Enrollment form
  - OEV script
- *Presentations and Scripts (7000)*
- *All Others (9000)*
  - Envelopes

# Commonly Disapproved Materials

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## Modified Models

- Ensure all elements provided in the model are included in the non-model.
- If you modify it, don't submit as a model without modification
  - Exceptions: Letter elements

Reminder: Indicate the model/exhibit title and applicable CMS chapter/manual or HPMS memorandum date when submitting



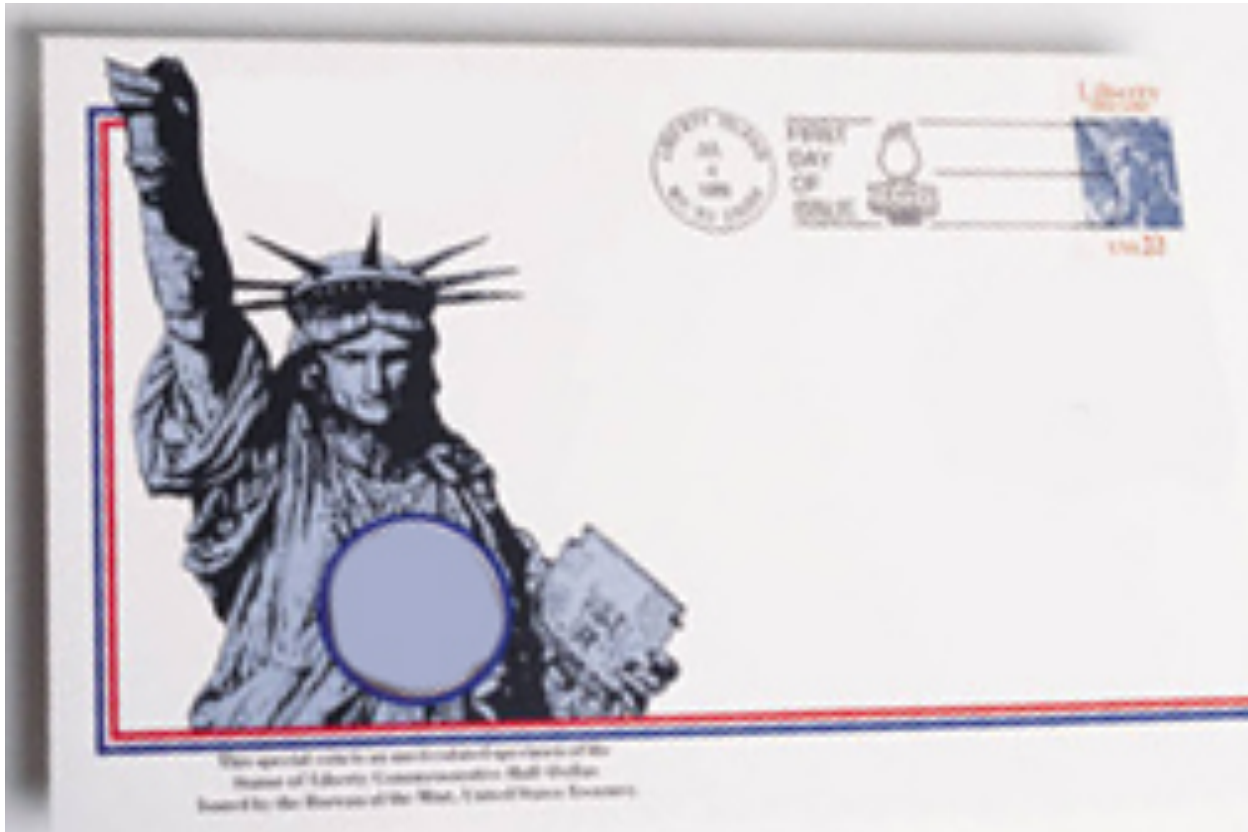
# Most Common Reason for Disapproved Materials

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## Materials are Misleading

CMS prohibits the distribution of marketing materials that are materially inaccurate, misleading, or otherwise make material misrepresentations.

# Example of Misleading Communication



# Example of Misleading Communication

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## **Titles and descriptions of agents**

- Medicare Benefits Coordinator
- Medicare Specialist
- Licensed Medicare Expert

# Example of Misleading Communication

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## Plan star rating

- “5 stars and counting”
- “Find out why CMS gave us 5 stars”
- “A star deserves 5 stars”

# Reminders

Plans may	Plans may NOT
<ul style="list-style-type: none"><li>• Contact beneficiaries who have expressly given permission</li><li>• Contact existing members/clients</li><li>• Return beneficiary phone calls</li><li>• Leave cards behind for clients to give their friend or family</li></ul>	<ul style="list-style-type: none"><li>• Send unsolicited e-mails, text or calls to a beneficiary</li><li>• Conduct unsolicited calls to their Medigap enrollees regarding their MA, PDP or 1876 cost plan products</li><li>• Solicit beneficiaries door-to-door</li><li>• Call beneficiaries based on referrals resulting in an unsolicited contact.</li></ul>

# Reminders

Plans may	Plans may NOT
<ul style="list-style-type: none"><li>• Provide light refreshments and snacks to potential enrollees</li><li>• Offer promotional gifts</li><li>• Distribute marketing materials and enrollment forms during a sales event/appointment</li></ul>	<ul style="list-style-type: none"><li>• Provide meals</li><li>• Offer gifts of more than \$15 to potential enrollees</li><li>• Solicit prospective beneficiaries under the premise that the appointment is for educational purposes</li></ul>

# Reminders

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## Event Reporting

Plan sponsors must upload all formal and informal marketing/sales events via HPMS prior to advertising the event or seven (7) calendar days prior to the event's scheduled date, whichever is earlier.

# Reminders

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## **Document Scope of Appointment**

Scope of appointment must be agreed to by the Medicare beneficiary prior to any personal/individual marketing appointment.



# Reminders

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## **Record Retention**

Plan sponsors are responsible for ensuring that any marketing materials developed on behalf of the plan or by third party or delegated entities adhere to CMS record retention requirements.

# Best Practices for Compliance

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- Ask CMS Account Manager or Marketing Reviewer
- Coordinate with those who create marketing to reiterate expectations of CMS requirements
- Strategize with those developing and implementing marketing campaigns

# Improving the Beneficiary Experience

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## **CMS Commitment**

- Consumer Testing
- Plain Language
- Ideas for Improvement

# Resources

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- CMS Account Manager or Marketing Reviewer
- Marketing Policy Mailbox:  
[Marketingpolicy@cms.hhs.gov](mailto:Marketingpolicy@cms.hhs.gov)
- CMS Marketing Webpage:  
<http://www.cms.hhs.gov/ManagedCareMarketing/>

# Questions

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