



MEDICARE-MEDICAID COORDINATION OFFICE

DATE: December 14, 2018

TO: Texas Medicare-Medicaid Plans

FROM: Lindsay P. Barnette
Director, Models, Demonstrations, and Analysis Group

SUBJECT: Texas MMPs: Release of Final Contract Year 2019 State-specific Marketing Guidance

On August 3, 2018, and August 20, 2018, CMS issued preliminary marketing and communications guidance to Medicare-Medicaid Plans (MMPs) through two HPMS memoranda, "Contract Year 2019 Marketing and Beneficiary Communications Guidance for Medicare-Medicaid Plans" and "Revised Contract Year 2019 Marketing and Beneficiary Communications Guidance for Medicare-Medicaid Plans." These memoranda address the most critical issues related to submission of marketing materials for Contract Year (CY) 2019 and the Annual Election Period (AEP). Attached to this memorandum is the final CY 2019 State-specific Marketing Guidance for Medicare-Medicaid Plans (MMPs) operating in the Texas capitated financial alignment model demonstration. The State-specific Marketing Guidance has been jointly updated by CMS and Texas and will be applicable to all marketing for CY 2019 benefits.

The State-specific Marketing Guidance provides information only about those sections of the Medicare Communications and Marketing Guidelines (MCMG) that are not applicable or that are modified for MMPs in Texas; therefore, this guidance document should be considered an addendum to the CY 2019 MCMG. MMPs should carefully review the CY 2019 MCMG (see <https://www.cms.gov/Medicare/Health-Plans/ManagedCareMarketing/FinalPartCMarketingGuidelines.html>), in conjunction with the State-specific Marketing Guidance, as the requirements of the MCMG that are not otherwise modified by this document apply to MMPs in Texas.

The CY 2018 State-specific Marketing Guidance sections have been updated to align with the new MCMG sections and incorporate guidance previously provided in the August 3, 2018, and August 20, 2018, HPMS memoranda. In addition, the CY 2019 State-specific Marketing Guidance includes requirements that modify certain new sections of the MCMG for MMPs in Texas.

The following summarizes additional CY 2019 State-specific Marketing Guidance changes for MMPs in Texas that were not included in the August HPMS memoranda:

- **Section 30.6 - Electronic Communication Policy:** Clarifies that MMPs are prohibited from initiating contact via email to prospective enrollees in addition to other restrictions on electronic communication included in this section of the MCMG.
- **Section 30.8 - Product Endorsements/Testimonials:** Clarifies that, in addition to the requirements in this section of the MCMG, an endorsement or testimonial by an

individual cannot use any quotes by physicians or other health care professionals and a contracted or employed physician or health care provider cannot provide an endorsement or testimonial.

- **Section 40.2 - Marketing Through Unsolicited Contacts:** Clarifies that, in addition to existing restrictions in this section of the MCMG, MMPs are also prohibited from marketing through unsolicited contacts by email.
- **Section 40.5 - Exclusion of Meals as Nominal Gifts:** Clarifies that MMPs must not provide meals at any event at which a prospective enrollee will be in attendance in addition to other requirements in this section of the MCMG.
- **Section 60.2 - Plan-Initiated Provider Activities in the Healthcare Setting:** Clarifies that, in addition to existing restrictions in this section of the MCMG, MMPs and providers must not assist individuals with plan selection.
- **Section 60.4 - Plan/Part D Sponsor Activities in the Healthcare Setting:** Clarifies that, in addition to existing restrictions in this section of the MCMG, MMPs may not conduct sales activities, including sales presentations and the distribution and collection of enrollment forms, in common areas of a healthcare setting.

For any questions about the contents of this memorandum, please contact your Contract Management Team or the Medicare-Medicaid Coordination Office at MMCOCapsModel@cms.hhs.gov.