



## MEDICARE-MEDICAID COORDINATION OFFICE

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**DATE:** December 18, 2018

**TO:** Massachusetts Medicare-Medicaid Plans

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

**SUBJECT:** MA 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 Massachusetts capitated financial alignment model demonstration. The State-specific Marketing Guidance has been jointly updated by CMS and Massachusetts 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 Massachusetts; 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 Massachusetts.

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 Massachusetts.

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

- **Section 30.3 – Non-English Speaking Population:** Clarifies that in addition to the requirements of Section 1557, MMPs in Massachusetts must always include taglines in English, Spanish, Cambodian, Chinese, Haitian Creole, Laotian, Portuguese, Russian, and Vietnamese.

- **Section 30.7 – Prohibited Terminology/Statements:** Clarifies that in addition to the requirements of section 30.7 of the MCMG, other than the exceptions noted in section 40.1 of this guidance, MMPs may not compare their MMP to another plan by name without written concurrence from all plans being compared. This documentation must be included when the material is submitted in HPMS.
- **Section 30.8 – Product Endorsements/Testimonials:** Clarifies that product endorsements and testimonials for marketing purposes can be helpful in enabling beneficiaries to make informed decisions and, therefore, are not considered misleading if they adhere to the requirements listed in the Massachusetts State-specific Marketing Guidance.
- **Section 40.1 – Plan Comparisons:** Clarifies that MMPs in Massachusetts may only compare their plan to another Plan/Part D Sponsor by referencing a study or statistical data. If an MMP uses a non-CMS study/survey in its marketing materials, the MMP must include the information detailed in the Massachusetts State-specific Marketing Guidance.
- **Section 70.2 – Searchable Formularies and Directories:** Clarifies that while MMPs are encouraged to have searchable, machine-readable formularies, MMPs must make their online directories available in a searchable, machine-readable file and format and must ensure their directories are publicly accessible without the necessity of providing a password, a username, or personally identifiable information.
- **Section 100 – Required Materials:** Clarifies that all large print written materials for individuals with visual impairments shall be in a font size no smaller than 18 point.

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](mailto:MMCOCapsModel@cms.hhs.gov).