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**DATE:** July 20, 2018

**TO:** Medicare Advantage Organizations, Prescription Drug Plans, and Section 1876 Cost Plans

**FROM:** Kathryn A. Coleman  
Director, Medicare Drug & Health Plan Contract Administration Group

Amy Larrick Chavez-Valdez  
Director, Medicare Drug Benefit and C & D Data Group

**SUBJECT:** Medicare Communications and Marketing Guidelines

CMS is pleased to release the contract year (CY) 2019 Medicare Communications and Marketing Guidelines (MCMG) on the Managed Care Marketing website (<https://www.cms.gov/Medicare/Health-Plans/ManagedCareMarketing/index.html>). In addition to drafting the new guidelines based on the Final Rule, CMS also considered the valuable feedback we received based on our request for comment in the HPMS memorandum entitled Request for Input on the 2019 Medicare Communications and Marketing Guidelines, issued April 12, 2018. We received over 300 comments from various organizations. Many organizations expressed a desire to provide comments on the MCMG upon release. To that end, CMS will collect comments from all stakeholders that will be considered for a future MCMG release. Upon today's release of this version of the MCMG, the guidance is now applicable to all CY 2019 communications.

CMS 4182-F updated the definition of marketing under Subpart V to focus on materials and activities that aim to influence enrollment decisions. In addition, the Rule created and defined the new term "communications." In general, communications are activities and materials that target prospective and current enrollees, including their caregivers and other decision makers. Marketing, now a subset of communications, includes activities conducted and use of materials by the Plan/Part D sponsor with the intent to draw a beneficiary's attention to a Medicare Advantage plan or plans for the purpose of enrollment or enrollment retention. Additionally, marketing contains information about the plan's benefit structure, cost-sharing, and measuring or ranking standards.

As a result of the regulatory changes to Subpart V, combined with our continued efforts to streamline marketing guidance and consider the industry's input, the MCMG is a departure from the previous Medicare Marketing Guidelines. Highlights of the MCMG include:

- Section 20 - provides clear definitions of marketing and communications, and outlines how Plans/Part D sponsors can determine which definition a given material or activity would fall under

- Sections 30 and 40 - provide specific guidance for communications and marketing respectively
- Section 60 - provides detailed guidance on activities in the healthcare setting, with an emphasis on differentiating between activities that a provider performs as a matter of a course of treatment versus activities that a plan or provider performs aimed at influencing an enrollment decision
- Section 70 - outlines website requirements, making the distinction between CMS-required content and plan-initiated content, and how that content is submitted and reviewed
- Section 90 - includes a new material identification process, as well as guidance on what types of materials will require submission into HPMS
- Section 100 - provides information about required materials, including material timing, method of delivery, information on HPMS submission, general guidance, and translation requirements

Stakeholders are encouraged to review the MCMG and provide comments via the Medicare Communications and Marketing Guidelines Feedback Form. The form provides stakeholders the opportunity to enter 50 comments. Should stakeholders have more than 50 comments, they may complete a new survey form. To access the form, click on the following link: <https://www.surveymonkey.com/r/MCMGFeedback>. CMS is requesting all comments by 5:00 PM (ET) Friday, August 10, 2018.

CMS will provide MCMG training at CMS' MA & PDP Fall Conference & Webcast on September 6. Plans/Part D sponsors are urged to have appropriate staff attend that portion of the conference. More information on the conference, including agenda and registration, will be released in the coming weeks.

If you have an urgent question, please email the marketing mailbox at [marketing@cms.hhs.gov](mailto:marketing@cms.hhs.gov) and cc your Account Manager. Please put "MCMG Question" in the subject line. CMS will answer urgent questions prior to the training.