

GOVERNMENT PROGRAMS COMPLIANCE OFFICER NEWSLETTER

Volume II, Issue 3

September 2013

HEALTH CARE SERVICE CORPORATION



Message from Kim Green HCSC Government Programs Compliance Officer

Welcome to the third quarter newsletter!

With the Medicare Annual enrollment period quickly approaching, I thought it would be an ideal time to discuss CMS' marketing regulations and guidance.

CMS developed its Medicare Marketing Guidelines in an effort to protect the best interests of Medicare beneficiaries who are enrolled in Medicare Advantage Plans (MA), Medicare Advantage Prescription Drug Plans (MAPD), Prescription Drug Plans (PDP), and Cost plans. CMS' definition of marketing expands beyond the public's general concept of advertising materials to include informational materials targeted to Medicare beneficiaries as well as activities conducted by the plan sponsor, or an individual or organization on behalf of the plan sponsor such as an agent or agency, that guide or attempt to guide, a potential enrollee toward a specific Plan. CMS reviews and approves plan marketing materials to ensure that they are consistent with the Medicare Marketing Guidelines. HCSC/HISC as the plan sponsor is responsible for making sure that all of marketing materials and activities related to HCSC/HISC's Medicare products are in compliance with CMS' Medicare Marketing Guidelines and regulations. Only approved marketing materials may be used to market HCSC/HISC Medicare products.

Inside this newsletter, you will find a summary of basic information about the Medicare Marketing Guidelines.

For complete information about Medicare Marketing Guidelines, please refer to Chapter 3 of the Medicare Managed Care Manual or Chapter 2 of the Prescription Drug Benefit Manual at www.cms.gov.

As always, please remember that you are required to report any suspicious behavior or potential wrongdoing related to any government contract. All calls to our hotline can be made anonymously and without fear of intimidation or retaliation.

Our Medicare and Fraud hotline numbers and email address are also included in this newsletter so that you may contact us should you have any questions or concerns. As the Government Program's Compliance Officer, please know that you can always contact me directly at 312-653-5110.

We encourage you to visit our website and submit any general questions or news items that you would like to hear about in future newsletters.

Kim Green

HCSC Government Programs Compliance Officer

In this issue

Annual Enrollment Period	2
Types of Marketing Materials	2
Types of Medicare Events	3
Website and Social Media	3
Plan Activities in Health Care Setting	4
Provider Based Activities	4

Medicare Compliance Issues?

**Contact
HCSC Medicare Hotline
1.877.211.2290**



**Your 24/7 resource for questions
about Medicare Part D or MAPD**

Annual Enrollment Period (AEP)

AEP is the open enrollment period during which all Medicare beneficiaries can elect to stay in original Medicare, or join or change plans within the Medicare Advantage and Medicare Part D Prescription Drug programs for the coming calendar year.

THE ANNUAL ENROLLMENT PERIOD FOR CALENDAR YEAR 2014 RUNS FROM OCTOBER 15, 2013 TO DECEMBER 7, 2013.

Types of Marketing Materials

Advertising

Advertising materials are primarily intended to attract or appeal to a potential plan sponsor enrollee. Advertising materials contain less detail than other marketing materials, and may provide benefit information at a level to entice a potential enrollee to request additional information.

- Television, Radio, Banner and Print ads
- Outdoor advertising
- Internet advertising
- Direct mail (including enrollment forms or materials)

Pre-Enrollment Marketing Materials

Pre-enrollment marketing material is a subset of marketing materials used prior to enrollment. Pre-enrollment materials may contain plan rules and/or benefit information.

- Sales scripts/sales presentations
- Direct mail that includes an enrollment form
- Sales presentation materials
- Summary of Benefits

Post-Enrollment Marketing Materials

Post-enrollment marketing material is a subset of marketing materials used by a plan sponsor to convey benefits or operational information to current enrollees.

- Annual Notice of Change (ANOC) and Evidence of Coverage (EOC)
- Health education newsletters
- Medication Therapy Management Program (MTMP) materials
- Mail service forms for Part D drugs

Generally, prior to use, all marketing/member materials must be submitted to CMS for review and/or approval.

All marketing materials must contain required CMS disclaimers as outlined in the Medicare Marketing Guidelines.

Types of Medicare Events

Sales and Marketing Events

A sales/marketing event is an event sponsored by an MA, MAPD or PDP plan or by an other entity on behalf of the plan. The term “educational” cannot be used to describe a sales/marketing event.

- The purpose of the Sales/Marketing event is to steer or attempt t
- Marketing of non-health care related products such as annuities or life insurance to beneficiaries during marketing/sales events is considered cross-selling and is prohibited.
- At sales/marketing events, Sales Agents can only use CMS and HCSC/HISC approved plan marketing materials including scripts and sales presentations or CMS developed marketing materials.
- All products and plan types that will be covered during the marketing/sales event must be announced at the beginning of the presentation.

Educational Events

An educational event is designed to inform potential members about Medicare plans in general and does not steer or attempt to steer potential enrollees toward a specific plan.

- Educational events cannot include any sales activities. Marketing materials and enrollment applications cannot be distributed or collected.
- Unsolicited contact with beneficiaries cannot be conducted during educational events.
- Educational materials available at these events must be free of plan-specific information such as premiums, co-payments or contact information.
- Educational events must be held in public venues and must be clearly advertised as educational.

Promotional Events

Promotional events are designed to attract the attention of prospective members and/or encourage retention of current members.

- Promotional gifts, rewards and incentives must not be tied directly or indirectly to the provision of any other covered item or service, must not exceed nominal value (retail value \$15), must not be a health benefit, must not be in the form of cash or monetary rebates and must be offered to all without discrimination.
- Enrollment forms cannot be accepted at promotional events.

All types of marketing/sales through unsolicited contact are prohibited by CMS including door-to-door, e-mail, marketing and telephonic outreach.

Website and Social Media

The plan sponsor must maintain a separate and distinct website section for Medicare information and this section must contain all applicable CMS explanatory disclaimers. All Plan Sponsor websites must be clear and easy to navigate.

- HCSC/HISC website and any social media that references Medicare information must be approved by HCSC/HISC and by CMS.
- Any Medicare information posted to a HCSC/HISC social media site must also be posted on HCSC/HISC’s official website.

Plan Activities in a Health Care Setting

- Plan sponsors **may not** market in areas where beneficiaries receive their health care including provider waiting rooms, exam rooms, hospital patient rooms, dialysis centers and pharmacy counter areas.
- Plan sponsors **may** market in **common** areas of healthcare settings including hospital or nursing home cafeterias, community or recreational rooms and conference rooms.

Provider Based Activities

- Plan sponsors are responsible for marketing activities conducted by and marketing materials by their contracting providers. The plan sponsor must ensure that all its contracting providers comply with Medicare Marketing Guidelines.
- Contracted providers must remain neutral and cannot steer or attempt to steer an undecided enrollee.
- Providers may make available and/or distribute plan marketing materials (in common areas only), but must do so for all the plans with which the provider participates.
- Providers must not be involved in the following:
 - Offering sales or appointment forms
 - Accepting Medicare enrollment forms
 - Mailing marketing materials on behalf of the plan
 - Conducting health screening as a marketing activity

For complete information about Medicare Marketing Guidelines, please refer to Chapter 3 of the Medicare Managed Care Manual or Chapter 2 of the Prescription Drug Benefit Manual at www.cms.gov.

Visit our website:

www.hiscompliance.com

Fraud Hotline: Available 24/7

Report fraud issues anonymously

1-800-543-0867 – for Members

1-877-272-9741 – for Producers, Vendors & Providers

1-877-211-2290 – for Employees

If you have any news or questions that you would like included in the newsletter, please send an email to:

**HISCOMPLIANCE @
BCBSIL.COM**