



**MEDICARE-MEDICAID COORDINATION OFFICE**

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**DATE:** August 12, 2015

**TO:** Medicare-Medicaid Plans in New York

**FROM:** Sharon Donovan  
Director, Program Alignment Group

**SUBJECT:** New York MMPs: Revision to Final Contract Year 2016 Marketing Guidance for Medicare-Medicaid Plans

This memorandum updates the Final Contract Year 2016 Marketing Guidance for New York Medicare-Medicaid Plans (MMPs), originally issued on July 24, 2015, to remove an inadvertent reference to employed agents. We clarify that, while the requirements in the Medicare Marketing Guidelines (MMG) are inapplicable to New York MMPs because the use of independent agents and brokers is not permitted, the requirements in the MMG related to employed agents do apply to New York MMPs. We also clarify that New York's prohibition on the use of independent agents and brokers among New York MMPs does not exempt MMPs from annual reporting and attestation requirements related to their use of agents and brokers.

Specifically, the following paragraph on page 6 of the guidance is revised as follows:

Old Language:

In addition, we clarify that all requirements applicable to independent and employed agents/brokers throughout the MMG will be inapplicable to FIDA Plans in New York, because the use of independent agents/brokers will not be permitted and all FIDA Plan enrollment transactions must be processed by New York's enrollment broker.

New Language:

In addition, we clarify that all requirements applicable to independent agents/brokers throughout the MMG will be inapplicable to FIDA Plans in New York, because the use of independent agents/brokers will not be permitted and all FIDA Plan enrollment transactions must be processed by New York's enrollment broker.

The changes in this memorandum are effective immediately, and we expect to revise the New York MMP marketing guidance and models to reflect these changes when we next update those documents for CY 2017.

If you have 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).