



CENTER FOR MEDICARE

DATE: July 20, 2017

TO: Medicare Advantage Organizations
Medicare Advantage - Prescription Drug Organizations
Section 1876 Cost Plans
Prescription Drug Plan Sponsors
Employer/Union-Sponsored Group Health Plans
Medicare-Medicaid Plans

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SUBJECT: Contract Year 2018 Medicare Marketing Guidelines

The Centers for Medicare & Medicaid Services (CMS) is pleased to announce the release of the final updated Medicare Marketing Guidelines (MMG) for Medicare Advantage organizations (MAOs); prescription drug plan (PDP) sponsors; section 1876 cost-based contractors; demonstration plans, including Medicare-Medicaid Plans; and employer and union-sponsored group plans, including employer/union-only group waiver plans (EGWPs). The MMG will be effective for CY 2018 marketing materials. The CY 2018 MMG is posted at: <http://www.cms.gov/Medicare/Health-Plans/ManagedCareMarketing/FinalPartCMarketingGuidelines.html>

On January 18, 2017, CMS invited plans and organizations to respond to our 2018 Health Plan Management System Medicare Marketing Policy Questionnaire to identify opportunities for improvement. We received 298 responses, and based on the feedback received, we have made notable revisions (shown in red text) and clarifications to the CY 2018 MMG guidance. To aid in your review, we have highlighted some sections in the MMG with policy changes:

- 60 – Formulary and Formulary Change Notice Requirements: Part D Sponsors have the flexibility to deliver an electronic version of the Part D prescription drug formulary.
- 70 – Electronic Communication Policy: Section 70.1 was updated to permit Plans/Part D Sponsors to market via electronic communication, including email. Further, Section 70.5.1 no longer requires Plans/Part D Sponsors to upload events into HPMS.
- 100 – Plan Sponsor Websites, Social/Electronic Media: We made it clear that Plans/Part D Sponsors are only required to submit third party websites if the Plan/Part D Sponsor has a contractual relationship with the third party entity, and the website mentions specific benefits or cost-sharing.

In addition to the policy changes reflected in red text, we have also reorganized and streamlined some of the MMG. For example:

- Marketing material disclaimers were moved from section 50 – Marketing Material Types and Applicable Disclaimers, to Appendix 5 – Disclaimers. Plans/Part D Sponsors should refer to Appendix 5 – Disclaimers, for the appropriate disclaimers for marketing materials.
- Section 70.6 – Enrollment and Verification Requirements is now located in section 30 – Plan/Part D Sponsor Responsibilities.
- Appendices for the Summary of Benefits (SB) instructions and required disclaimers were developed.
- Information regarding Promotional Activities, Nominal Gifts, Marketing of Rewards and Incentives, and Exclusion of Meals as a Nominal Gift was removed from Section 70 and is now located in Section 110.

Please note that CMS has provided a sample SB with the CY 2018 MMG. The sample is for reference only; Plans/Part D Sponsors have the flexibility to deviate from this sample, so long as they follow the requirements outlined in the MMG.

Should you have any questions, please contact your Account Manager and/or Marketing Reviewer.