

Cal MediConnect Medicare Marketing Materials, Provider Based Activities, and Promotional Activities



- ≡ Welcome
- ≡ Introduction
- ≡ Definitions
- ≡ Standards for Marketing
- ≡ Provider Failure To Comply with Standards
- ≡ Marketing Content Requirements
- ≡ Submission, Review and Approval Process – Timeframes
- ≡ Provider-Based Activities
- ≡ Promotional Activities

☰ Prohibited Activities

☰ Contacts

Welcome



00:37

Welcome to Medicare Marketing Materials, Provider Based Activities, and Promotional Activities

We have a great deal of important information to cover, so let's get started. My name is Rob and my name is Janet, we will be your hosts during this course.

Located in the upper left hand corner you will find what we call the hamburger menu. You can track your progress, and see what topics you need to complete. You can always revisit pages you have previously completed. But you can not skip ahead in the training without interacting with all the content of each page.

The course is designed with an automatic bookmark mechanism. When you return to the course you will continue from your automatic bookmark.

Below is an image of the navigation buttons and icons used in this presentation. If you do not see the CONTINUE button it means you have not completed the lesson or you need to simply scroll down the page.

Hamburger Menu



Navigate to Next Lesson Button

> INTRODUCTION

Continue to Next Section Button

CONTINUE

Navigation Buttons

Introduction

> INTRODUCTION

Introduction



00:50

The objectives of Marketing Material Training are to:

1

Provide guidance on the review process for marketing materials developed by providers / Participating Provide Groups (PPGs) for the Cal MediConnect program

Section 2.9.10.2 of the Three Way Contract between the Department of Health Care Service, Center for Medicare and Medicaid Services and L.A. Care Health Plan.

2

Review regulations and requirements around marketing materials, provider based activities and promotional activities

Marketing Material Training is divided into the following sections:

1

Definitions



Standards for Marketing



3

Providers Failure to Comply with Standards

4

Marketing Content Requirements

5

Submission, Review and Approval Process Time-Frames

6

Provider-Based Activities

7

Prohibited Activities

8

Contact Information

Definitions

> DEFINITIONS

Definitions

Marketing Materials

Marketing materials include any informational materials that perform one or more of the following:

- Promote an organization
- Provide enrollment information for an organization
- Explain the benefits of enrollment in an organization
- Describe the rules that apply to enrollees
- Explain how Medicare services are covered, including conditions that apply to such coverage
- Communicate with an individual on various membership operational policies, rules, and procedures
 - 42 CFR 422.2260
- **Provider Promotional Activities** – Activities that a provider may perform to educate potential enrollees or to assist potential enrollees in enrollment.
- **FDR** – First Tier, Downstream and Related Entity

Standards for Marketing

> STANDARDS

Standards for Marketing



00:48

The L.A. Care Compliance, Marketing and Fulfillment Unit reviews all member facing materials targeted to L.A. Care members.

1

CMS has authority for marketing oversight. Medicare Marketing Guidelines (MMGs) encompass marketing materials and marketing/sales activities.

42 CFR 422.2268

2

L.A. Care's Compliance, Marketing and Fulfillment Unit is responsible for ensuring compliance with CMS' current marketing regulations and guidance, including monitoring and overseeing the activities of subcontractors, downstream entities, and/or delegated entities.

3

L.A. Care may be subject to compliance actions (intermediate sanctions and civil money penalties) by CMS if L.A. Care fails to comply with regulations.

Provider Failure To Comply with Standards

> COMPLY

Provider Failure To Comply with Standards



00:30

- L.A. Care may impose sanctions on a provider for any violation of Medicare marketing guidelines. L.A. Care may impose sanctions including, but not limited to:
 - Financial penalties
 - Immediate suspension of use of all marketing materials and promotional activities for a period not to exceed six (6) months
 - Imposition of an enrollment cap or membership cap and Contract termination. (L.A. Care Cal MediConnect Provider Manual, Section 13.5.2)

Marketing Content Requirements

> MARKETING RE...

Marketing Content Requirements



00:52

During the review process, the Compliance staff conducts a thorough review for the requirements listed below. Failure to meet the requirements may result in disapproval of the material or delay in the review process.

Marketing Requirements:

- Marketing materials shall not contain false, misleading or ambiguous information
 - 42 CFR 422.2268(e)
- Materials must be written at a 6th grade reading level or lower
- Materials must be culturally and linguistically appropriate
- Marketing materials shall include the following:
 - The year of which they were last updated
 - The source of any representations, endorsements, or awards referred to in the material
 - The entity responsible for producing the material
 - Correct usage of L.A. Care logo
 - L.A. Care must review and approve the use of the L.A. Care logo prior to producing/publishing

Submission, Review and Approval Process – Time-frames

> SUBMISSION

Submission, Review and Approval Process – Timeframes



00:57

L.A. Cares' Compliance, Marketing and Fulfillment Unit will review and provide a disposition on all submissions received.

- **Internal Review**

Internal Review is required when the material does not list benefit information.

- L.A. Care will review and reply within 7 business days after receipt from provider.
- If revisions are requested to the content (marketing materials or promotional activities), provider will resubmit revised documents to L.A. Care within seven (7) business days.

- **External Review**

External Review is required when the material lists benefit information.

- L.A. Care will submit proposed marketing materials or promotional activities to CMS. Please note if a CMS review is required, the review time-frame is 45 days.
- L.A. Care will notify providers when materials are approved by CMS

Provider-Based Activities



Provider-Based Activities

Providers may:



01:04

CMS guidelines state that Plan should ensure providers assist beneficiaries in an objective assessment of their needs and potential options to meet those needs.

1

Provide the names of Plans/Part D Sponsors with which they contract and/or participate

2

Provide information and assistance to a beneficiary applying for Low Income Subsidy (LIS)

3

Assist a beneficiary in an objective assessment of his/her needs and potential options to meet those needs

4

Share information with beneficiaries from the CMS' website, including the "Medicare and You" Handbook or "Medicare Options Compare" from <http://www.medicare.gov>, or other documents that were written by or previously approved by CMS

5

Refer beneficiaries to other sources of information, such as State Health Insurance Assistance Program (SHIP), plan marketing representatives, their State Medicaid Office, local Social Security Office, CMS' website at <http://www.medicare.gov/> or 1-800-MEDICARE

Promotional Activities

> ACTIVITIES

Promotional Activities



01:00

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

Permitted Promotional Activities

- A contracted Provider may engage in promotional activities related to L.A. Cares' Cal MediConnect Plan (Medicare–Medicaid Plan)
 - In accordance with L.A. Care Policies and Procedures
 - In accordance with guidelines from CMS and/or DHCS
42 CFR 422.2268
- Types of activities permitted:
 - Distribution of materials and/or displaying plan posters
 - Materials distributed or posters displayed must be available for all plans with whom you contract with and must be approved by CMS
 - Make available and/or distribute plan marketing materials in common areas
42 CFR 422.2268(e), (j), and (k)
Section 60.4: “Plan/Part D Sponsor Activities in the Healthcare Setting” of the current Medicare Communications and Marketing Guidelines (MCMG)

Prohibited Activities

> PROHIBITED

Prohibited Activities



00:47

L.A. Care must ensure that providers do not engage in any prohibited activities and remain neutral when assisting beneficiaries with enrollment choices.

Prohibited Activities

- Making phone calls or directly urge or attempt to persuade beneficiaries to enroll in a specific plan based on financial or any other interests of the provider
- Conduct health screening as a marketing activity
- Accept Medicare enrollment applications
- Offer anything of value to induce enrollees to select them as their provider
- Offer inducements to persuade beneficiaries to enroll in a particular plan or organization
- Distribute materials/applications within an exam room setting
 - 42 CFR 422.2268

Contacts

> CONTACTS

Contacts

Please contact the Compliance Department, Marketing & Fulfillment Unit if you have questions regarding Medicare marketing materials, promotional activities, and/or provider based activities:

Email: MMCommunications@lacare.org

Thank you for completing the CMC Marketing Materials Training. To exit the tutorial click the **Exit Course** button below.

EXIT COURSE