

CENTER FOR MEDICARE

DATE: June 28, 2013

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

FROM: Danielle R. Moon, J.D., M.P.A.
Director, Medicare Drug & Health Plan Contract Group

Cynthia G. Tudor, Ph.D.
Director, Medicare Drug Benefit and C & D Data Group

SUBJECT: Final Contract Year 2014 Medicare Marketing Guidelines

We are pleased to announce the release of the final contract year (CY) 2014 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 is being issued as Chapters 3 and 2 of the Medicare Managed Care Manual and the Prescription Drug Benefit Manual, respectively, and will be effective upon the release of the CY2014 marketing materials. This document is posted at:

<http://www.cms.gov/Medicare/Health-Plans/ManagedCareMarketing/FinalPartCMarketingGuidelines.html> and
<http://www.cms.gov/Medicare/Prescription-Drug-Coverage/PrescriptionDrugCovContra/PartDManuals.html>.

This year, we continued our focus on streamlining the MMG by eliminating information contained in other locations. In addition, we have made minor revisions with the following principle in mind:

MAOs and PDP sponsors are responsible for:

- Ensuring compliance with CMS' current marketing regulations and guidance, including monitoring and overseeing the activities of their subcontractors, downstream entities, and/or delegated entities;
- Full disclosure when providing information about plan benefits, policies, and procedures; and

- Documenting compliance with all applicable MMG requirements.

We released the draft MMG for public comment on March 25, 2013, and received over 1,000 comments from 86 entities, including MAOs, PDP sponsors, consumer advocacy groups, pharmacy associations, health plan associations, and State departments of health. Most comments related to referencing Health Plan Identification (HPID) numbers, Federal Contracting Disclaimers, and social media. After careful analysis of all comments received, we have made a number of important revisions and clarifications to the final guidance, all show in italicized, redline text. In particular, we made clarifications in the following three areas, as these generated the most comments:

- The final MMG clarifies that MAOs and PDP sponsors are expected to comply with all of the ID card requirements found in the MMG and National Council for Prescription Drug Program/Workgroup for Electronic Data Interchange standards **except for the HPID and machine-readable technology requirements.** (Section 60.2.3)
- In the final MMG we include an example of a statement that could be used to meet our requirement that the MAO/PDP sponsor includes a statement in all marketing materials that the plan/sponsor contracts with the Federal government. (Section 50.1)
- The final MMG clarifies that if information required in sections 100.1 and 100.2 of the MMG is posted to a social media site, it should also be posted on the official website. (Section 100)

CMS will host its CY 2014 MMG training on July 19, 2013. Additional information for the training is forthcoming. In advance of the training, please submit questions to the CMS marketing mailbox at Marketing@cms.hhs.gov and include “2014 MMG Inquiry” in the subject line of your email. We will work to address your questions during the training. If you have further questions regarding the 2014 Medicare Marketing Guidelines after the training, please contact your Account Manager and/or Marketing Reviewer.