

DATE: December 14, 2015

TO: Medicare-Medicaid Plans

FROM: Sharon Donovan
Director, Program Alignment Group

SUBJECT: Stipends or Non-Monetary Incentives for MMP Enrollees Who Are MMP Advisory Committee Members

The memorandum provides clarification to Medicare-Medicaid Plans (MMPs) regarding stipends and non-monetary incentives for enrollees who are members of MMP advisory committees.

Background

Under their three-way contracts, MMPs are required to establish and maintain advisory committees in the capitated financial alignment demonstrations as part of the process of continued stakeholder engagement. Some of the committee's members must be MMP enrollees. As a result, several states and MMPs have asked if stipends or non-monetary incentives such as gift cards are permissible for MMP enrollees who participate as advisory committee members.

Guidance

Stipends or non-monetary incentives such as gift cards provided to MMP enrollees who participate as members of MMP advisory committees in the financial alignment demonstrations are not considered marketing activities. Therefore, MMPs are permitted to provide such stipends or non-monetary incentives. However, MMPs are encouraged to remain mindful of the federal Anti-Kickback Statute, which prohibits the exchange (or offer to exchange), of anything of value, in an effort to induce (or reward) the referral of federal health care program business (42 USC, Section 1320a-7b) and to direct any questions about that statute to [the Office of Inspector General](http://oig.hhs.gov/contact-us/) (<http://oig.hhs.gov/contact-us/>).

If you have any questions about the contents of this memorandum, please contact the Medicare-Medicaid Coordination Office at MMCOCapsModel@cms.hhs.gov.