



**MEDICARE DRUG & HEALTH PLAN CONTRACT ADMINISTRATION GROUP**

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DATE: July 16, 2013

TO: Medicare-Medicaid Plans

FROM: Danielle R. Moon, J.D., M.P.A.  
Director

SUBJECT: Release of Updated Contract Year (CY) 2013 Marketing Guidance and CY 2014 Marketing Guidance for Medicare-Medicaid Plans (MMPs) in Massachusetts

Attached to this memorandum are: (1) revisions to the final CY 2013 marketing guidance for Medicare-Medicaid Plans (MMPs) in Massachusetts originally released on May 2, 2013; and (2) final CY 2014 marketing guidance for MMPs in Massachusetts. The guidance in the CY 2013 document will apply to all marketing done for CY 2013 benefits, and the guidance in the CY 2014 document will apply to all marketing done for CY 2014 benefits. This guidance has been jointly developed by CMS and Massachusetts.

The CY 2013 marketing guidance has been updated to include the following clarifications and corrections:

- **Section 10 (Introduction):** Updated information about the start date for marketing activity for CY 2013 benefits.
- **Section 30.7.1 (Multi-Language Insert):** Clarified that we consider French Creole and Haitian Creole to be equivalent.
- **Section 30.9 (Required Materials for New and Renewing Members at Time of Enrollment and Thereafter):** Clarified which individuals are part of the passive enrollment and self-selection groups of enrollees for purposes of receipt of materials at the time of enrollment. Clarified that MMPs may send a combined pharmacy/provider directory at the time of enrollment or, alternatively, information about how to access or receive the pharmacy/provider directory consistent with section 60.4 of the Massachusetts CY 2013 marketing guidance. Clarified that receipt of required materials for enrollees who self-select into the demonstration (and whose enrollment confirmation is received more than 10 calendar days before the end of the month) is no later than the last day of the month prior to the effective date of enrollment.
- **Section 40.8 (Hours of Operation Requirements for Marketing Materials):** Clarified that the phone number of the MassHealth customer service vendor must be included at

least once in any marketing materials that are provided prior to the time of enrollment and where a plan customer service number is provided for current and prospective enrollees to call. Clarified that use of the disclaimer in section 70.6 of the Massachusetts CY 2013 marketing guidance is adequate for purposes of meeting the requirement for unsolicited marketing materials, such as print or other media.

- **Section 40.13 (Standardization of Plan Name Type):** Clarified the requirements regarding the CMS standardized plan type and the MassHealth “One Care plan” branding. Clarified that MMPs that offer Medicare Advantage products, including SNPs, in the same service area as their MMPs, may not use the same plan marketing name for both those products in order to reduce beneficiary confusion.
- **Section 50.4 (Disclaimer on Availability of Non-English Translations):** Corrected the guidance to stipulate that ID cards are exempt from inclusion of this disclaimer.
- **Section 50.5 (SNP Materials):** Clarified that MMPs must include a disclaimer regarding the NCQA approval of their model of care and replaced current disclaimer in this section with a new disclaimer for MMPs.
- **Section 60.4 (Directories):** Clarified the requirements of this section for MMPs and provided additional flexibility regarding the requirements for providing MMP directories to enrollees at the time of enrollment and thereafter. Clarified requirements regarding MMPs with multi-county service areas.
- **Section 60.5 (Formulary and Formulary Change Notice Requirements):** Corrected guidance to stipulate that the change notice requirements apply to all negative formulary changes.
- **Section 60.7 (Annual Notice of Change (ANOC) and Evidence of Coverage):** Clarified that additional materials beyond the materials required to be sent with the ANOC/EOC or ANOC and EOC may not be included with the ANOC, EOC, or ANOC/EOC mailing.
- **Section 70.6 (Marketing Through Unsolicited Contacts):** Made minor language changes to the disclaimer in this section.
- **Section 70.10 (Marketing/Sales Events):** Added new requirements for MMPs to current MMG requirements of this section.
- **Section 70.10.2 (Personal/Individual Marketing Appointments):** Added new requirements regarding the distribution of enrollment applications during the course of a personal/individual appointment.
- **Section 80.1 (Customer Service Call Center Requirements):** Replaced current guidance in this section regarding permissible use of alternate call center technologies with new guidance for MMPs.

- **Section 90.3 (Material Dispositions) and Section 90.5 (Time Frames for Marketing Review):** Made technical changes to bring language in line with recent HPMS Marketing Module updates.
- **Section 100.2 (Required Content):** Added website requirements consistent with readiness review requirements.

The CY 2014 marketing guidance document has been updated to reflect revisions to the CY 2013 marketing guidance for Massachusetts MMPs, as well as minor changes resulting from the CY 2014 Medicare Marketing Guidelines released on June 28, 2013.

The attached guidance will also be posted to the Financial Alignment Initiative website at <http://cms.gov/Medicare-Medicaid-Coordination/Medicare-and-Medicaid-Coordination/Medicare-Medicaid-Coordination-Office/FinancialModelstoSupportStatesEffortsInCareCoordination.html>.

If you have any questions about the contents of this memorandum, please contact the Medicare-Medicaid Coordination Office at [mmcocapsmodel@cms.hhs.gov](mailto:mmcocapsmodel@cms.hhs.gov).