

MARKETING ISSUES

Taking Advantage of New Regulatory Flexibility

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Second National Medicare Advantage Summit

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Medicare
Advantage
Summit**

Changes to Marketing Requirements

- April 16, 2018 final regulation
 - CMS renames the broad category of materials that used to be considered “marketing materials” to “communication materials”
 - CMS focuses its on materials/activities that could potentially affect a beneficiary’s decision to enroll in a particular MA plan.
 - CMS prohibits targeted enrollment during the new Open Enrollment Period (enacting prohibition under 21st Century Cures Act).

Proposed Changes to the Marketing Guidelines

- Clarifying that business reply cards don't need to be submitted HPMS (unless they discuss benefits).
- Removing the restriction on requesting email addresses when asking for referrals from enrollees.
- Allowing Plans to announce that a nominal gift may be offered to enrollees for a referral.
- Permitting agents to disseminate contact information at educational events.
- Clarifying that it is not a violation of CMS marketing requirements if contracted providers notify their patients that the contract status between the provider and the Plan/Part D Sponsor is changing.
- Eliminating non-regulatory disclaimers and streamlining other disclaimers, such as disclaimers when advertising sales/marketing events, and when using non-benefit/non-health service providing third party materials.
- Consolidating many disclaimers into a pre-enrollment checklist and requiring plans to disseminate the checklist one time with the Summary of Benefits, instead of requiring the disclaimers on multiple marketing materials.

CMS's Marketing Oversight Toolbox Includes...

- Review of marketing materials
- Marketing event mystery shopping
- Call Center and website monitoring
- ANOC/EOC reviews for timeliness and accuracy
- Complaint monitoring
- Rapid disenrollment rate monitoring
- Audit elements

Consequences of Marketing and Communications Violations

- Fines
 - In the past 5 years, CMS has imposed 16 fines for marketing and communications violations ranging from \$3,000 to \$1,000,000
 - Higher fines tend to be associated with website and call-center misinformation regarding in-network coverage
 - Increased noncompliance from 2013-2016
- Intermediate Sanctions (i.e., enrollment freeze)
 - No intermediate sanctions for marketing/comms in last five years
 - At least five intermediate sanctions for marketing/comms violations in last ten years

déjà vu – The 2019 OEP

- Elongates the “sales” season
 - Education vs. “marketing” – awaiting additional guidance
- Member retention vs. onboarding
 - Seminar/OB/DM approaches
 - Re-engagement in the flesh
 - Comment/rule on Educational Events permitting agents to pass out contact information

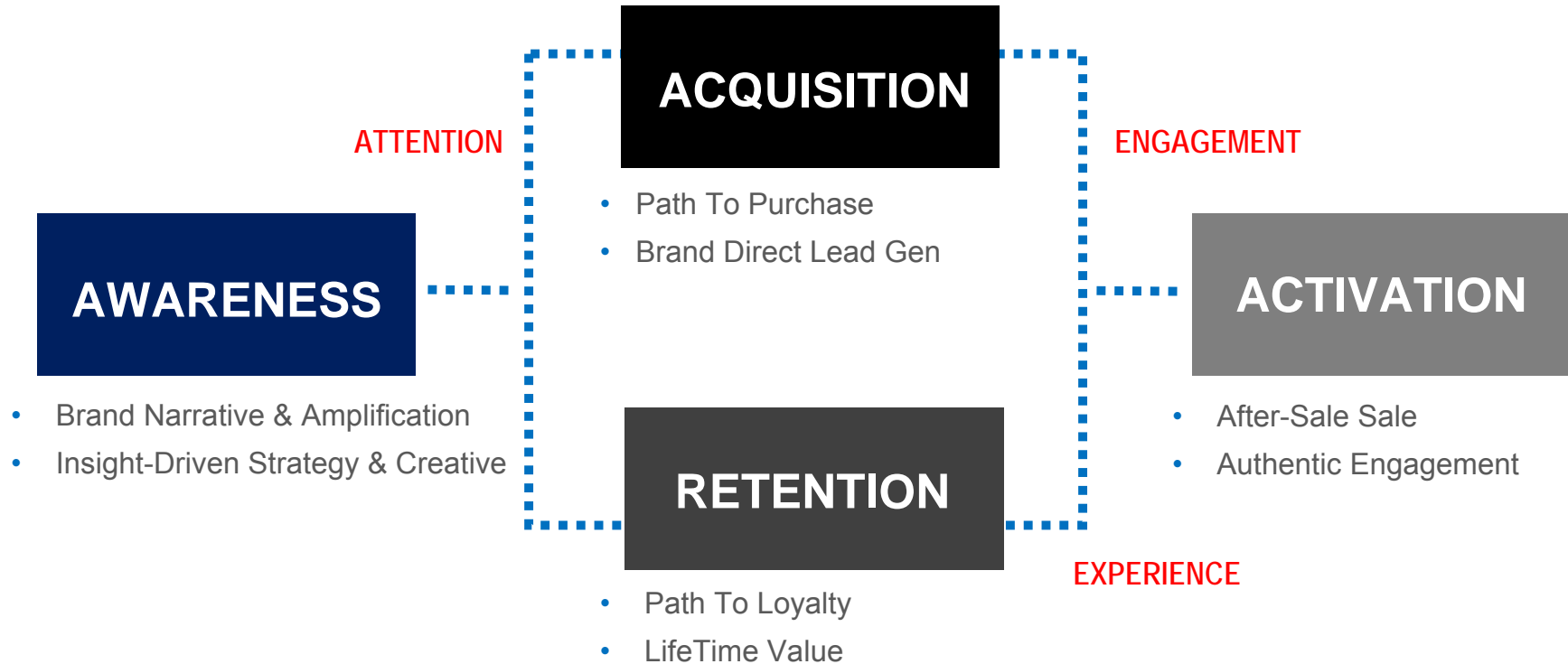
Optional Supplemental Benefits

- 2019/2020, bids can include additional benefits
 - Enhancements to existing programs
 - Transportation benefits Transportation to obtain Part A, Part B, Part D, and supplemental benefit items and services.
 - OTC benefits
 - New benefits
 - Additional health products, home safety devices, adult day care, etc.

Agent Compensation

- Little movement in TMO compensation rates or methodology
- HRA capture pilots ongoing – increasing in scope?

Medicare Lifecycle Perspective



Medicare Customer Conundrum

Members need to be at the center of everything you do.

