



MEDICARE ADVANTAGE/PART D SALES & MARKETING ACTIVITIES

DO AND DON'T REFERENCE CHART

GENERAL MARKETING PRACTICES

Remember, CMS defines 'marketing' as "the act of steering, or attempting to steer, a potential enrollee towards a plan or limited number of plans, or promoting a plan or a number of plans."

DO	DON'T
<p>Market MA and Part D plans to all eligible Medicare beneficiaries. Accept and perform enrollments.</p>	<p>Participate in marketing/selling activities that discriminate against:</p> <ul style="list-style-type: none">• race, ethnicity, gender, age, national origin, religion;• mental or physical disability;• high or low income areas;• health status/cherry picking (except chronic care SNPs);• newly eligible Medicare beneficiaries over other beneficiaries, and;• claims experience, genetic information or evidence of insurability.
<p>Distribute health plan brochures and pre-enrollment materials that have been provided by the plan and approved by/submitted to CMS.</p>	<p>Use materials that have not been approved by CMS and/or Anthem (including Amerigroup and Simply Health Plans).</p> <p>Alter anything outside the bracketed areas of template material. [Brackets] and <carets> indicate line items that may be replaced or removed depending on content. Please ask your sales manager for more assistance.</p> <p>Convey the false impression that you, the business or product is approved or endorsed by Medicare or any other government agency. This includes representing yourself as a "Medicare Specialist" on a business card or representing your agency and/or website using the "Medicare" descriptor (i.e. Medicare Inc. or Medicare Health Agency).</p>
<p>State that the plan is approved for participation in Medicare programs and/or that it is contracted to administer Medicare benefits.</p>	<p>Engage in activities that mislead or confuse Medicare beneficiaries or provide false or misleading information about the plan and the benefits.</p>

<p>Begin to market 2016 Plans on October 1, 2015.</p> <p>Cease to market 2015 Plans on October 1, 2015 unless materials are requested by the beneficiary (i.e. age in or other SEP qualified beneficiaries for 11/1/2015 and 12/1/2015 plan effective dates).</p>	<p>Use qualified or absolute superlatives.</p> <p>EXAMPLE: "One of the best", "among the highest ranked" or refer to the plan you are marketing/selling as "the best, the highest ranked", "rated number one", etc.</p> <p>Compare an Anthem Plan (including Amerigroup and Simply Healthcare) to another Plan by name or inference unless you have written concurrence from all plan sponsors being compared, or using CMS Star rating documents.</p>
<p>Solicit and collect 2016 annual enrollment period (AEP) applications beginning on October 15, 2015.</p> <p>Solicit and collect enrollment applications for beneficiaries who are aging-in throughout the year or eligible for a SEP or other election period.</p>	<p>Solicit and collect 2016 enrollment applications for AEP after December 7, 2015.</p>
<p>Accept paper enrollments within an appropriate enrollment period. Submit all enrollments within 24 hours of receipt.</p>	<p>Hold applications any longer than 24 hours. CMS begins the clock to process when the agent/broker receives the application – not when the plan receives.</p>
SALES EVENT PRACTICES	
<p>There are two types of sales events, formal and informal. At a marketing/sales event, plan representatives may discuss plan specific information like premium, cost-sharing, and/or benefits, as well as, distribute and/or collect enrollment applications."</p> <ul style="list-style-type: none"> • Formal marketing/sales events are structured events of an audience/presenter style with a sales person providing specific plan information via a specific CMS approved sales presentation. • Informal marketing/sales events are conducted with a less structured presentation or in a less formal environment. They typically utilize a table, kiosk or a recreational vehicle (RV) that is manned by a plan sponsor representative who can discuss the merits of the plan's products. 	
DO	DON'T
<p>Discuss ONLY those products (HMO, PPO, SNP, PPO, MMP) that were filed.</p>	<p>Discuss products that are not included in the advertisement.</p>

<p>Submit all formal and informal sales events to so they can be reported to CMS in accordance to Plan policy.</p> <p>Be present at the site, at the time that the event is scheduled to occur and remain on site at least 15 minutes after the scheduled start of the event, even if the event is cancelled. Exception: If the event was cancelled due to inclement weather; a representative is not required to be present at the site.</p>	<p>Fail to modify and/or appropriately cancel a sales event in accordance with Plan policy (at least 5 days or more in advance).</p> <p>Conduct a Sales event that has not been reported to CMS.</p>
<p>Any event (or individual appointment) where enrollment applications are present, the sales agent must also present/share the:</p> <ul style="list-style-type: none"> • Summary of Benefits • Multi-Language Insert • Star Ratings document 	<p>Use a sales script, presentation, or materials that have not been approved for use by Anthem and CMS.</p>
<p>Provide light snacks at promotional or sales activities where plan benefits are being discussed and/or plan materials are being distributed such as, coffee, soft drinks, fruit, raw vegetables, pastries, cookies etc.</p>	<p>Provide or otherwise subsidize meals during a marketing/sales event (note, meals MAY be present so long as they are not provided or paid for by the Plan).</p>
<p>Announce all products/plan types that will be covered during the sales event at the beginning of that sales event (e.g., HMO, PPO, Part D, MMP etc).</p>	<p>Omit introducing yourself or the plans that you will be discussing at the beginning of the sales event.</p>
<p>Conduct a raffle or distribute nominal gifts during a sales event so long as the raffle/gifts are provided</p> <ul style="list-style-type: none"> • Without discrimination • With no requirement to enroll • At or below the \$15 (retail value) per attendee limit 	<p>Require or otherwise use personal contact information, collected for purposes of a raffle or other event giveaway, as means of permission for future contact.</p> <p>Require the completion of or pressure event attendees to fill out a sign in sheet or business reply card ('thank you' card).</p>
<p>Notify beneficiaries of an event cancellation by the same means that was used to advertise the event if you cancelled an event more than 48 hours before the scheduled date and time (i.e. newspaper ad, direct mail flyer, etc.).</p>	
EDUCATIONAL EVENT PRACTICES	
<p>Educational events are events designed to inform Medicare beneficiaries about MA, Prescription Drug or other Medicare programs, do not discuss plan benefits and do not steer, or attempt to steer potential enrollees toward a specific plan or limited number of plans. Educational events are allowed to be uploaded to HPMS, however, it is not required.</p>	

DO	DON'T
<p>Respond to specific questions asked provided that the scope of the response does not go beyond the question asked.</p>	<p>Conduct sales or marketing activities at educational events.</p> <p>Distribute or accept enrollment forms.</p>
<p>Participate in educational health fairs and health promotional events as either a sole sponsor or co-sponsor of an event hosted by multiple organizations as long as the event does not include a sales presentation and is billed as educational.</p>	<p>Set-up of personal sales appointments or attempts to get permission for an outbound call to the beneficiary.</p> <p>Discuss or distribute materials that include plan specific information, such as premiums, copayments, or other benefit information.</p>
<p>Distribute Medicare and/or health education materials that meet the CMS definition of education, i.e., informing a potential enrollee about the structure of a Medicare Advantage or other Medicare programs.</p>	<p>Distribute or display and/or accept Scope of Appointment forms, or sign-up sheets.</p> <p>Distribute business cards that include marketing information.</p> <p>Collect member contact information: (names, addresses, phone numbers).</p>
<p>May use a promotional item (pen, magnets, etc); including those with plan name, logo, and toll-free customer service number and/or website.</p> <p>Promotional items must be free of benefit information.</p> <p>Meals are allowed at educational events only and the cost must comply with nominal gift requirements (i.e. \$15 retail or less per attendee).</p>	<p>Advertise an educational event and then have a marketing event immediately following in the same general location.</p> <p>Ask if they want information about a specific plan or limited number of plans.</p> <p>Refer to an event as “educational” if you plan on marketing/selling/passing out enrollment forms, collecting leads, etc., at the event.</p>
GIFTS/PROMOTIONAL ITEMS	
DO	DON'T
<p>Offer promotional items to potential enrollees without discrimination:</p> <ul style="list-style-type: none"> • whether or not the individual enrolls in the plan • the gift is worth \$15 or less, based on the retail value of the item. • the combined value of all items offered cannot exceed \$15, at a time. 	<p>Offer a gift over \$15 based on the retail value of the item.</p> <p>Offer gifts as an inducement to enroll.</p>

<p>Promotional items must be offered to all potential enrollees without obligation.</p> <p>EXAMPLE: The plan would like to offer gifts to beneficiaries who attend a marketing event. The gift (a pedometer) is valued at \$8.50 wholesale and \$12 retail – is this allowed? Answer: Yes, because it does not go over the \$15 retail value limit.</p>	<p>Provide cash gifts or gift certificates and gift cards that can be converted to cash, regardless of dollar amount.</p> <p>**See additional information under the Sales Event header.</p>
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MAILING AND EMAILING PRACTICES

DO	DON'T
<p>Email a beneficiary if the beneficiary agrees to receive emails from the plan or an agent. Permission must be expressly given including a hard copy/electronic signature or voice recorded.</p> <p>Provide an opt-out process for beneficiaries who no longer wish to receive e-mail communications.</p>	<p>Email using:</p> <ul style="list-style-type: none"> • Purchased lists or addresses obtained through any type of directory, or e-mail addresses obtained through friends or referrals. • Email a beneficiary if the beneficiary has not agreed to receive emails. • Email a beneficiary if the permission to receive an email was received by an unaffiliated third party. • Require an email address or any other contact information as a condition to RSVP for an event online or through mail. • Mass email any marketing material. This could cause a potential privacy incident should beneficiary email addresses be made available to others.

<p>Mailings, e.g., advertising, marketing materials, etc, IF the material has been approved for use by Anthem and/or CMS.</p>	<p>Mail information to Medicare beneficiaries or current members if one of the four statements is not included on the envelope or mailing itself if no envelope is used (e.g., a postcard).</p>
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SOLICITED versus UNSOLICITED CONTACTS

Plans must follow all telephone guidance in marketing through unsolicited contacts as noted in the Medicare Marketing Guidelines

DO	DON'T
<p>Call a beneficiary when the beneficiary has given express permission to contact them for marketing/sales purposes.</p> <p>Call current members you have enrolled in a plan to discuss plan issues and market other plan options.</p> <p>Call to confirm an appointment that has already been agreed to by the beneficiary via a completed SOA form.</p>	<p>Participate in door to door solicitation of Medicare beneficiaries.</p> <p>Leave information such as a leaflet, flyer, or door hanger at a residence or on someone's car. NOTE: Agents/brokers who have a pre-scheduled appointment which becomes a "no-show" may leave information at the no-show beneficiary's residence.</p> <p>Participate in telephonic or electronic solicitation including leaving voicemail messages on answering machines, text messages, or sending unsolicited emails.</p>

<p>Return a beneficiary's phone calls or messages as these are not unsolicited.</p> <p>A person responding via a business reply card should be contacted within a reasonable period of time. Permission to call applies only to the entity from which the beneficiary requested contact, for the duration of that transaction, for the scope of product (e.g., MA-PD plan or PDP) previously discussed or indicated in the reply card. The card cannot be treated as open ended permission to contact.</p>	<p>Approach individuals in common areas such as parking lots, sidewalks, hallways, lobbies, etc.</p> <p>Call or approach a beneficiary without the beneficiary initiating the contact.</p> <p>Use old lists or old consent forms to contact beneficiaries.</p>
<p>Enroll a beneficiary if the beneficiary makes a request to enroll via an inbound phone call.</p>	<p>Initiate any unsolicited outbound calls to beneficiaries.</p> <p>Call/visit beneficiaries after attendance at a sales event, unless the beneficiary gives express permission at the event for a follow-up or visit and has completed an SOA form.</p>
<p>Comply to the extent applicable with the following:</p> <ul style="list-style-type: none"> • Federal Trade Commission's Requirements for Sellers and Telemarketers (Telephone Consumer Protection Act – TCPA) • Federal Communications Commission rules and applicable State law • National-Do-Not-Call Registry <ul style="list-style-type: none"> • Honor "Do not call again" requests • Abide by Federal and State calling hours. • Get consent for future contact that is limited in scope, and event specific. The consent to contact may not be treated as open-ended permission for future contacts. 	<p>Conduct unsolicited phone calls to beneficiaries (other than to current plan members or to an agent's existing clientele).</p> <p>Conduct or allow unsolicited marketing calls to beneficiaries for other business (for example, a "benefits compare" meeting) and then provide those contacts to other plans for ultimate use in a MA or PDP sales appointment.</p> <p>Begin by selling a Medicare Supplement plan and then turn the conversation to MA or PDP products without the beneficiaries expressed request.</p>
<p>Generate leads through plan approved mailings, websites, and advertising and public sales events.</p>	<p>Accept an MA or PDP appointment from a third party lead that resulted from an unsolicited contact with a beneficiary.</p> <p>Use unsolicited third party leads.</p> <p>Make unsolicited calls to beneficiaries for non-MA and PDP products and provide/reuse these contacts for ultimate use as a MA or PDP sales appointment.</p>

<p>Discuss only the product(s) referenced on the business reply card, lead card, and/or in the advertisement.</p> <p>All business reply cards and lead cards used for documenting beneficiary agreement for a contact must be current and CMS approved.</p> <p>Call a beneficiary in response to a business reply card or a lead card.</p>	<p>Discuss any product(s) that were not referenced on the business reply card, lead card and/or in the advertisement.</p> <p>Call a beneficiary in response to a business reply card or a lead card if the card does not expressly state that the beneficiary is giving the plan and/or agent permission to call.</p>
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SCOPE OF APPOINTMENTS (SOA) and Individual Appointments Practices

CMS expects SOAs to be collected 48 hours prior to the appointment, when practicable. If it is not practicable, document on the SOA why you were not able to obtain the scope of appointment prior to the appointment. The beneficiary must agree to the purpose and products to be discussed in the appointment and that agreement must be documented, in writing by using the SOA.

DO	DON'T
<p>Have a pre-set appointment (face to face and/or conference call) with an individual to market MA and/or Part D plans.</p> <p>EXAMPLE: Agent calls, or receives an inbound call from, a current/prospective member, via phone, to discuss MA/Part D products. If during the call a second phone appointment is scheduled (i.e. conference call meeting) with a specific date and time (i.e. October 16th at 3p) – a SOA MUST be collected prior to that appointment taking place.</p> <p>There is no SOA required for an inbound/outbound call that was not previously scheduled for a specific date and time.</p>	<p>Return uninvited to an earlier “no show” appointment.</p> <p>Obtain the SOA immediately prior to the Sales appointment unless otherwise unavoidable.</p>
<p>Require that the beneficiary signs a new SOA if the beneficiary wants to discuss another product not agreed upon for the initial appointment.</p> <p>EXAMPLE: An agent has obtained an SOA for a pre-scheduled appointment with a beneficiary to discuss MA products. During the appointment, the beneficiary wants to discuss a PDP product. The beneficiary must sign a new SOA and then the agent may continue the marketing appointment. A new separate appointment is not required.</p>	<p>Discuss plan products not agreed upon by the beneficiary prior to the appointment.</p> <p>EXAMPLE: An agent meets with a beneficiary to discuss a Medicare Supplement product. An SOA Form was not completed. If during the meeting, the beneficiary wants to discuss Part D products, the agent would then need to obtain a signed SOA .</p>

<p>Obtain a SOA for existing clients/members as well as new members if the beneficiary is interested in changing plans.</p> <p>EXAMPLE: An agent meets with a current member to discuss switching plans. An SOA would need to be obtained for this appointment.</p>	<p>Conduct an appointment with another beneficiary if the other individual has not a done a separate SOA.</p> <p>EXAMPLE: An agent has a pre-scheduled sales appointment at a beneficiary's home. Upon arrival, the agent discovers that the beneficiary has invited their neighbor, who is also interested in meeting with the agent. The agent will need to have the neighbor complete a SOA. The agent can then proceed with the appointment with the beneficiary and neighbor.</p>
<p>For beneficiary walk-ins to a Plan or agent's office or other similar beneficiary-initiated face-to-face sales event, complete the SOA Form and obtain the beneficiaries signature prior to discussing MA or PDP plans. Indicate on the form that the beneficiary was a walk-in. There is no 48 hour waiting period; you may discuss the plans agreed upon at that time.</p>	<p>Begin discussing MA or PDP plans prior to the beneficiary signing the SOA Form.</p>
MARKETING IN HEALTHCARE SETTINGS	
DO	DON'T
<p>Conduct sales or marketing activities in common areas of health care settings.</p> <p>Examples:</p> <ul style="list-style-type: none"> • Hospital cafeteria • Nursing home cafeteria • Community/recreational rooms • Senior Center multi-purpose rooms • Conference rooms 	<p>Conduct sales or marketing activities in areas where patients primarily receive health care services or where health care is delivered.</p> <p>Examples:</p> <ul style="list-style-type: none"> • Physician Offices • Pharmacies • Waiting rooms/examination rooms • Hospital patient rooms • Pharmacy counter areas

<p>Schedule an appointment with a beneficiary residing in a long term care facility, or nursing home if requested to do so by the beneficiary.</p>	<p>Conduct promotional activities (collect enrollment forms, go door-to door) in resident rooms of long term care facilities or nursing homes without a prior appointment.</p>
<p>ONLINE (SOCIAL MEDIA), PAPER & TELEPHONE ENROLLMENTS</p>	
<p>DO</p>	<p>DON'T</p>
<p>Accept enrollments via a link to the plan sponsor's secure internet website using CMS approved materials and web pages.</p> <p>Accept telephonic and plan sponsor website enrollment requests that are effectuated entirely by the beneficiary or the authorized representative.</p>	<p>Accept enrollments via an agent/broker website.</p> <p>Be physically present with a beneficiary at the time of a telephonic enrollment.</p>
<p>Submit all agent owned or contracted websites that contain mention of MA and/or Part D for review/approval by Anthem Compliance.</p> <p>Websites may be subject to CMS review and approval in accordance with Section 30.3 of the 2016 Medicare Marketing Guidelines.</p>	<p>Accept lead information via a site that has not been reviewed and/or approved for use by the Plan. This would include any agent owned website or a website contracted for lead generation by the agent.</p>
<p>Contact current and prospective members via email so long as you have received express permission to do so.</p> <p>Respond to a question or statement initiated by the current and/or prospective member, but limit the response to the scope of the question or statement.</p>	<p>Contact or follow up with an individual if that person comments, likes or follows you on social media. This does not constitute agreement to receive any communication outside of the public forum.</p>