

# Medical Care Advisory Committee: Marketing Material Review Orientation Session

Agency Staff Update

Susan McPhee

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# Statewide Medicaid Managed Care

- During the 2011 Florida Legislative Session, the House and Senate passed House Bill 7107 and HB 7109, which require the state Medicaid program to implement a Statewide Medicaid Managed Care (SMMC) Program.
- Long-term care (LTC) managed care contracts, implemented in 2013, contained the existing limitations on marketing activities.
  - Prohibited activities included “discussing, explaining or speaking to a potential member about Managed Care Plan-specific information other than to refer all Managed Care Plan inquiries to the enrollee services section of the Managed Care Plan or the Agency’s enrollment broker.”
- Under the Managed Medical Assistance (MMA) program, Managed Care Plans will be able to market to potential enrollees.

# Why Marketing?

- **Promote Integration.** Established by the Affordable Care Act, the Federal Coordinated Health Care Office (CMS Medicare-Medicaid Coordination Office) established the goal of ensuring Medicare-Medicaid enrollees have full access to seamless, high quality health care and to make the system as cost-effective as possible.
  - The “Alignment Initiative” of the CMS Medicare-Medicaid Coordination Office is working to effectively integrate the Medicare and Medicaid programs by transcending boundaries across the two programs, like separate and conflicting marketing requirements.
  - In July 2013, CMS provided Alignment demonstration marketing principles and guidance, building off Medicare Marketing Guidelines (MMG) to improve integration of marketing materials, review processes and surveillance activities for states participating in the demonstration-
- **Promote Quality.** In an effort to improve the quality of care for Medicare Beneficiaries, CMS developed a 5-Star Rating system for Medicare Advantage (MA) and Prescription Drug Plans (PDPs) and allows more marketing privileges to those Health Plans with higher ratings.
  - MA/PDPs with an overall 5-Star Rating have the option to include CMS’ gold star icon on marketing materials.
  - MA/PDPs Sponsors with an overall 5-Star rating may market their ability to enroll beneficiaries through the 5-Star special enrollment period (SEP).



# Federal Definitions

## 42 CFR §438.104(a)

*Marketing* means any communication, from an MCO, PIHP, PAHP, or PCCM to a Medicaid beneficiary who is not enrolled in that entity, that can reasonably be interpreted as intended to influence the beneficiary to enroll in that particular MCO's, PIHP's, PAHP's, or PCCM's Medicaid product, or either to not enroll in, or to disenroll from, another MCO's, PIHP's, PAHP's, or PCCM's Medicaid product.

*Marketing materials* means materials that—

- (1) Are produced in any medium, by or on behalf of an MCO, PIHP, PAHP, or PCCM; and
- (2) Can reasonably be interpreted as intended to market to potential enrollees.

# Other Federal Requirements

- MCPs are prohibited from distributing marketing materials without prior approval of the state [42 C.F.R. § 438.104(b)(1)(i)].
- Marketing materials may not contain false or materially misleading information [42 C.F.R. § 438.104(b)(2)].
- MCPs are required to distribute marketing materials throughout their contractually-specified service area [42 C.F.R. § 438.104(b)(1)(ii)].
- MCPs are prohibited from directly or indirectly engaging in door-to-door, telephone or other types of “cold-call” marketing activities [42 C.F.R. § 438.104(b)(1)(iv)].
  - *Cold-call marketing* is defined as any unsolicited personal contact by the plan for the purposes of marketing [ 42 C.F.R. § 438.104(a)].
- MCPs must also ensure that prior to enrollment individuals receive sufficient information, in a language and format that is easily understood, to make an informed decision regarding whether to enroll in a particular MCP [42 C.F.R. § 438.104(b)(1)(iii); 42 C.F.R. § 438.10].

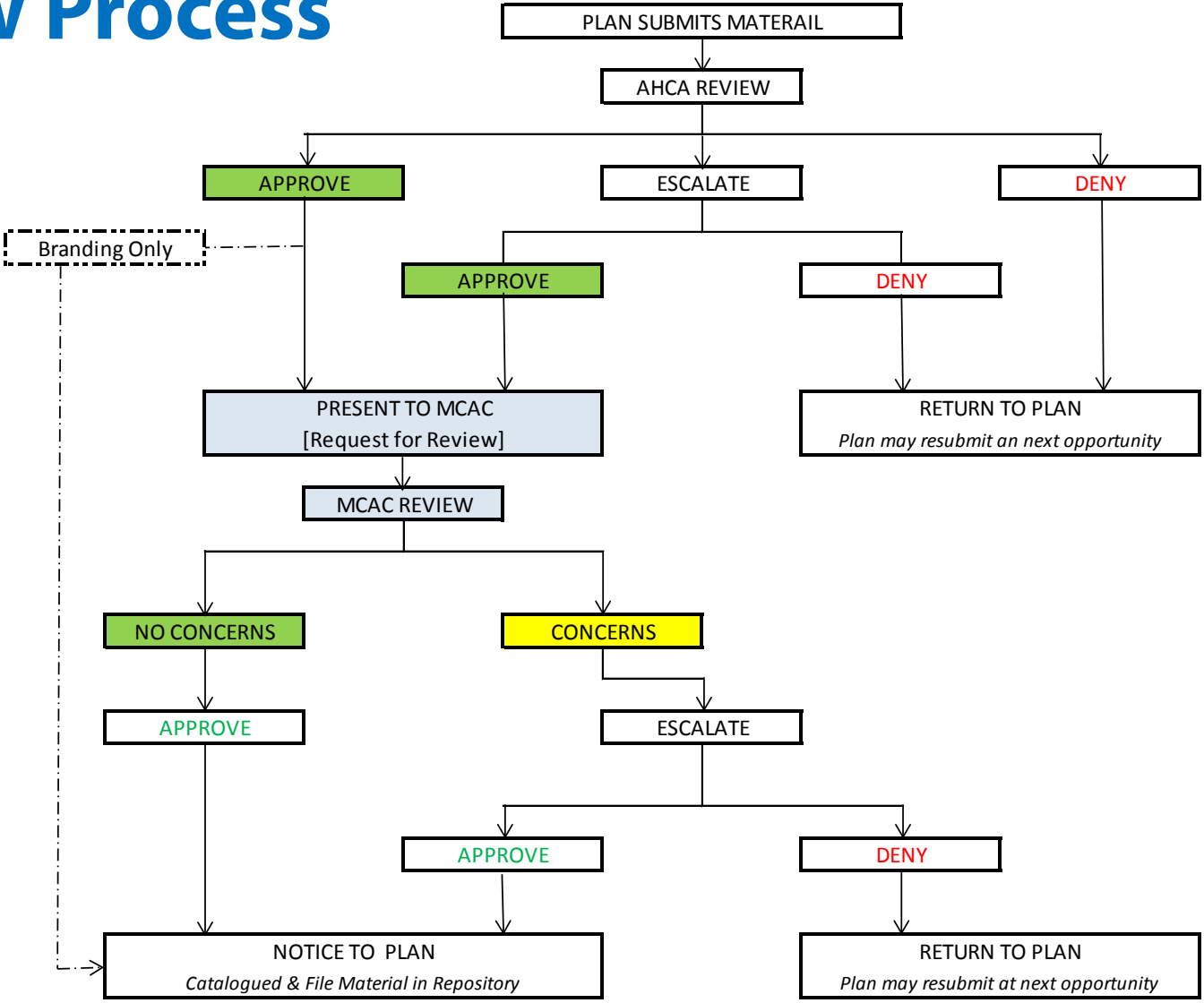
# Marketing Review Process

- Agency contracted with Mercer to develop a process for the review of managed care plan marketing materials, including the development of review tools for branding and written materials.
- Following a full day of training, review team members participated in a group review process, completing the review tool for each item submitted by each managed care plan. Second level reviews were requested when the group did not reach consensus or had questions about a particular item.
- Branding reviews were completed and plans were notified of results on April 14, 2014. Results were then compiled in a marketing review tracking log. Approved items received the Agency approval stamp. Managed care plans will have the opportunity to resubmit denied items for re-review. Branding resubmissions are due to the Agency no later than May 15, 2014.

## Marketing Review Process (cont.)

- Review of written materials, broadcast scripts and marketing scripts began after the initial branding review was completed. The review team is on track to complete this phase of the review of marketing materials and notify managed care plans of approvals by May 9, 2014.
- Prior to approving other types of materials the Agency is requesting review by MCAC members to determine if such material raises any concerns with representatives of health professions who are familiar with the needs of low-income population groups and with members of consumers' groups, including Medicaid recipients.
- Review and approval of promotional activities, nominal gifts and permissible events will occur before July 31, 2014. The Agency will provide further guidance to managed care plans on these marketing activities after the first phase of marketing reviews is completed.

# Review Process Flow





# Branding & Broadcasts

## SMMC Managed Care Program & Medicare Marketing Guidelines Definitions

**Branding Advertisements** - Marketing through mass communication in some form of print media such as newspapers, magazines, billboards, etc. with the purpose of influencing a prospective enrollee to enroll and to contact the managed care plan for more information.

**Advertising** - Advertising materials are primarily intended to attract or appeal to a potential Plan enrollee. Advertising materials contain less detail than other marketing materials, and may provide benefit information at a level to entice a potential enrollee to request additional information.

**Outdoor Advertising (ODA)** - Outdoor marketing material intended to capture the attention of a passing audience (e.g., billboards, signs attached to transportation vehicles), and to influence them to request more detailed information on the product being advertised.

**Broadcast Scripts** - Broadcast scripts include written text of messages transferred or transmitted to a large group of people by managed care plan staff through a form of mass communication media such as television, radio or social networking designed to promote the managed care plan and influence individuals to enroll in the managed care plan.

# Marketing Scripts

## SMMC Managed Care Program & Medicare Marketing Guidelines Definitions

**Marketing Scripts** - Marketing scripts include standardized text used by managed care plan staff in verbal interactions with potential enrollees designed to provide information and/or to respond to questions and requests are intended to influence such individual to enroll in the managed care plan. Marketing scripts included any text included in interactive voice recognition (IVR) and on-hold messages.

**Scripts** - Scripts are standardized text to provide information. Generally speaking, CMS categorizes scripts as either informational in nature or related to sales/enrollment. Informational scripts are designed to respond to beneficiary questions and requests and provide objective information about the plan and Medicare program. Sales and enrollment scripts are intended to steer a beneficiary towards a plan or limited number of plans and those used to enroll a beneficiary into a plan.

**Template Materials** - Template materials are any marketing materials that include placeholders for variable data to be populated at a later time.

# Written Material

## SMMC Managed Care Program & Medicare Marketing Guidelines Definitions

**Written Materials** - Printed informational material targeted to individual recipients which promote the managed care plan including, but not limited to brochures, flyers, leaflets or other printed information about the managed care plan. Written material includes materials for circulation by physicians, other providers, or third parties.

**Community Outreach Materials** - Materials regarding health or nutritional information or information for the benefit and education of, or assistance to, a community on health-related matters or public awareness that promotes healthy lifestyles. Such materials are meant specifically for the community at large and may also include information about health care services, preventive techniques, and other health care projects and the provision of information related to health, welfare, and social services or social assistance programs offered by the State of Florida or local communities.

**Pre-Enrollment Marketing Materials** - A subset of marketing materials used prior to enrollment. Pre-enrollment materials may contain plan rules and/or benefit information.

**Post-Enrollment Marketing Materials** - Post-enrollment marketing material is a subset of marketing materials used by a plan to convey benefits or operational information to current enrollees.

# Send Feedback, Comments or Questions to:

**Sue McPhee**  
**[Susan.McPhee@ahca.myflorida.com](mailto:Susan.McPhee@ahca.myflorida.com)**