



# Fact Sheet: CMS Marketing Guidelines

Applicable to the following sections of the CMS Medicare Marketing Manual and listing of permitted and prohibited activities:

- Marketing in the Health Care Setting
- Provider Affiliation Information

- Provider Based Activities
- SNP Provider Affiliation Information

## Can!

- ✓ Providers can make available and/or distribute plan marketing materials.
- ✓ If asked, providers can provide objective information about health plan options.
- ✓ Providers are permitted to make health plan and sales agent materials available in the waiting room, on the resource table.
- ✓ If asked about plan information, providers can refer to the materials available on the resource table and advise the consumer about partnerships with sales agencies.
- ✓ Sales and marketing activities are permitted in cafeterias, community or recreational rooms, and conference rooms.
- ✓ A sales agent can have a table in the common area to provide plan information and accept lead forms/BRCs
- ✓ Lead Boxes can be placed in the waiting room if the boxes are locked and attached to a stationary item.

## Cannot!

- × Providers can NOT steer beneficiaries to a specific health plan.
- × Sales and marketing activities can NOT be conducted in healthcare settings.
- × Sales presentations, enrollment applications, and soliciting Medicare beneficiaries are NOT permitted in waiting rooms, exam rooms, patient rooms, or areas where patients primarily intend to receive health care services (during OR after normal business hours.)
- × Providers can NOT offer, distribute, or collect lead forms/BRCs or other sales/appointment forms.
- × Providers can NOT offer to fill out the lead forms/BRCs for the consumer.
- × Providers can NOT reject requests by any contracted health plans to display materials.
- × The contact data obtained from provider contact/lead cards can NOT be shared with sales agents for Medicare Advantage marketing/sales.

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## Can!

- ✓ If asked, consumers can be advised to place the self-mailer lead form/BRC in the Lead Box or any mailbox.
- ✓ Contact forms offered by the provider can be used to collect consumer contact information only for the provider's use and cannot be used for health plan marketing or shared with sales agents.
- ✓ Providers can provide the names of plan sponsors with which they contract and/or participate. Plan comparisons must be approved by all plans and CMS.
- ✓ Providers can provide information and assistance in applying for the LIS.
- ✓ Providers can refer their patients to other sources of information, such as SHIPs, plan marketing representatives, their State Medicaid Office, local Social Security Office, CMS' website at <http://www.medicare.gov/> or 1-800-MEDICARE.
- ✓ Providers can share information with patients from CMS' website, including the "Medicare and You" Handbook or "Medicare Options Compare", or other documents that were written by or previously approved by CMS.

## Cannot!

- × Providers can NOT accept Medicare enrollment applications.
- × Providers can NOT make phone calls or direct, urge or attempt to persuade beneficiaries to enroll in a specific plan based on financial or any other interests of the provider.
- × Providers can NOT mail marketing materials on behalf of plan sponsors.
- × Providers can NOT offer anything of value to induce plan enrollees to select them as their provider.
- × Providers can NOT offer inducements to persuade beneficiaries to enroll in a particular plan or organization.
- × Providers can NOT conduct health screening as a marketing activity.
- × Providers can NOT accept compensation directly or indirectly from the plan for beneficiary enrollment activities.
- × Providers can NOT distribute materials/applications within an exam room setting.
- × Providers can NOT describe plans on affiliation announcements unless approved by CMS.