



Normative Letter # 16-1215

December 15, 2016

TO: All Medicare Advantage (MAOs) Companies Contracted to Provide Services to Medicare Platino Beneficiaries

GUIDELINES FOR MARKETING ACTIVITIES

This communication is to inform the guidelines for marketing activities.

All MAOs contracted to provide services to Medicare Platino Beneficiaries are expected to abide by the Centers for Medicare and Medicaid Services, CMS, rules for marketing when it involves Platino products or benefits.

The Puerto Rico Health Insurance Administration (hereinafter PRHIA) will not allow any MAO to perform marketing activities within one (1) mile of a Medicaid Office.

MAOs are prohibited from conducting sales activities, presentations, distributing and accepting enrollment applications, and soliciting beneficiaries in areas where individuals primarily receive health care services or are waiting to receive health care services. These restricted areas generally include, but are not limited to: waiting rooms, exam rooms, hospital patient rooms, dialysis center treatment areas (where individuals interact with their clinical team and receive treatment), and pharmacy counter areas where patients interact with pharmacy providers, included the waiting area to obtain medications. The prohibition against conducting marketing activities in health care settings extends to activities planned in health care settings outside of normal business hours.

Appointments with a beneficiary residing in long-term care facilities (including nursing homes, assisted living facilities, board and care homes, etc.) are only permitted upon request by the beneficiary.

Contracted providers or facilities may be used to distribute marketing materials as long as the provider or facility distributes or make available marketing materials for all plans with which the provider or facility participates. Special Needs Plans (hereinafter SNPs) materials may only be distributed to residents who meet the SNPs criteria for enrollment.

ASES will sanction or establish monetary penalties to any MAO that does not comply with this guidelines, as permitted by contract and applicable laws regulations.

If an employee or authorized representative of the PRHIA detect a Medicare Advantage Organization sales representative conducting noncompliance marketing activities according to this guidelines, may act, without limited, as follows:

- The “Medicare Platino” marketing material, will be collected;
- The name and position of the MAO sales representative, will be requested;
- The sales representative should be informed about the “Platino General Information” and the “Guidelines for Marketing Activities”;
- Will take pictures of the MAO marketing activities or of the sales point
- If necessary or in cases that may apply, in the presence of the sales representative, the PRHIA employee or representative will measure the distance between the point of sale activities and the unauthorized area in steps, to demonstrate noncompliance.
- The PRHIA Compliance Office, will notify the Medicare Advantage Organization Compliance Officer, by e-mail, of noncompliance with the “Marketing Activities Guidelines”;
- Other actions that may applied.

We expected compliance with this guideline.

Cordially,



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