



CMS Clarifies Marketing Reporting Requirement for MA and MAPD Agents



The Centers for Medicare & Medicaid Service (CMS) recently released new reporting requirements for third-party marketing in reference to Medicare Advantage (MA) and Medicare Advantage plus Part D (MAPD) advertising. These new reporting requirements apply to carriers and organizations, as well as agents who solicit these types of products.

The Purpose and Details

CMS states that all marketing materials for MA and MAPD plans must be submitted to CMS prior to use. CMS' purpose in this is to eliminate marketing materials that mislead, confuse, or provide materially inaccurate information to current or potential enrollees.

CMS is particularly concerned with sources for lead generation, as well as national advertisements promoting MA plan benefits and cost savings. Advertisements containing words or imagery which somehow implies the ad is coming from the government will receive heightened scrutiny. It's important to note that this guidance is not limited only to traditional lead generation materials and television advertisements.

Based on this CMS guidance, Warner Pacific has been advised to submit all non-carrier-branded marketing material to CMS, along with all Warner Pacific carriers to which this requirement applies. In order to remain compliant, this requirement needs to be done as soon as possible.

Your Urgent Action Is Required

As soon as possible, send all applicable marketing materials to **medicarecompliance@warnerpacific.com**.

This requirement applies to all materials that are currently in use or intended to be used for the 2022 Annual Election Period (AEP). Warner Pacific will assist in the filing of these materials in the Health Plan Management System (HPMS) and will also submit them to the carriers on your behalf.

Materials that need to be filed:

- All sources you use for lead generation and all marketing pieces you obtained from third-party lead vendors. This encompasses marketing materials for generating leads and/or which may result in an MA plan enrollment. This includes, but is not limited to, television and radio ads; direct mail/print; digital and/or website/social media.
- Marketing materials created by you, any agents under you or your agency. This also applies to any entity used by you or your agents/agency, such as a lead generation vendor or website developer.
- Marketing materials used by a third party that results in a lead purchased by you, your agents or your agency.
- Television and radio advertisements (submit links and storyboards).
- Direct mail of all types, such as flyers, postcards, letters, etc. (submit copies of the document — front and back).
- URLs/links for websites, landing pages, social media, emails, etc.
- Telephonic sales and enrollment scripts for telephonic enrollments.

The carriers will conduct a retrospective review, during which time the agent/agency is permitted to continue using the material. The submitter will be notified if a material is denied approval. Agents and agencies are expected to maintain records of the distribution of materials covered under these requirements.

Frequently Asked Questions

Q. Are all marketing materials impacted?

A. Yes, all partners that create or use marketing materials are required to submit all such materials.

Q. Does it impact marketing materials in use now?

A. Yes, it impacts all marketing materials that are currently in use or intended to be used for 2022 AEP and subsequent enrollments.

Q. Are the materials required to have a form number on them?

A. Yes, all materials filed in HPMS must have a Standardized Material Identification (SMID) on the material — see below.

- SMID: This is a user-created unique identifier for the material. Users are not allowed to enter a duplicate material ID that already exists in the system.
 - o **Note:** The HPMS cannot accept certain keyboard characters in the Material ID name of materials. If certain characters are used, the submission will fail, and the material will not be accessible. Consequently, you can use ONLY standard letters, numbers, spaces, and underscores (“_”) in your Material ID names.

For MULTIPLAN Materials: SMID can be up to 50 characters. It must begin with “MULTIPLAN_”, contain a combination of letters and numbers unique to the material, and end with “_M.”

- Examples:

- o MULTIPLAN_1234abcd_M
- o MULTIPLAN_5678wxyz_2022 for websites
- o MULTIPLAN_1502pqrs_2022_EnrollmentScript_M

To ensure numbers are unique in HPMS, we suggest including your company name or acronym in the SMID.

Your Next Step

You must be compliant with this CMS requirement as soon as possible. [Click here](#) to view the CMS memo regarding this requirement.

If you have any questions, call your Warner Pacific Medicare Sales Consultant at **(800) 801-2300** or email medicarecompliance@warnerpacific.com.