

MLTC MARKETING GUIDANCE FREQUENTLY ASKED QUESTIONS

General

1. *Does the marketing guidance apply to MAP plans, or MLTC plans only?*

As stated in the Marketing Guidance dated June 21, 2017, “The New York State Department of Health is evaluating its process for reviewing and approving marketing plans and materials for Managed Long Term Care (MLTC) Partial Capitation Plans.”

2. *Please clarify what constitutes a “material change in the marketing plan.” For instance, are plans prohibited from restructuring their marketing departments even if responsibilities, resources, and staffing numbers remain the same?*

Plans may take any actions regarding staffing or in restructuring of their marketing departments, as long as this does not translate to an increase in external marketing activities by the Plan. As stated in the Marketing Guidance dated June 21, 2017, “Plans may continue to use plans and materials that received prior Department approval. This includes Plan participation at health fairs and other health education functions using previously approved information materials such as plan product comparisons or fact sheets, brochures, and member handbooks. Significant expansion in the use of previously approved marketing materials, or significant change in the way such materials are used, will be considered inappropriate marketing activities.” Any Plan unsure about the appropriateness of marketing activities in their marketing plan should contact their Plan manager.

New Demographic

3. *Please clarify what would constitute a plan’s current “demographic” and how should a plan determine if they are marketing to a “new demographic” (e.g., is this defined by region, proximity to existing billboard and subway advertisements, etc.)?*

In determining its current demographic, a Plan should examine the makeup of its membership at the time the guidance was issued, as well as the intended targets of previously approved marketing plan and materials. All members of the public that fall within these parameters are the current demographic. The Plan should examine all aspects as utilized in marketing by the Plan.

4. *May plans run previously approved TV or radio commercials in an existing region within their current demographic?*

Plans may continue any advertising contracts for TV and radio spots that were previously approved under the same terms as stated within the contract. However, Plans may not renew, renegotiate, or otherwise amend (with the exception of termination) any previously approved advertising contract. As stated in the Marketing Guidance dated June 21, 2017, “New marketing arrangements, or a renewal of previously approved marketing arrangements (e.g., billboard, radio, or television advertising) will also be considered inappropriate marketing activities.”

5. *If plans are prohibited from marketing to specific demographics, please identify those regions or groups that fall into such demographic.*

The Department has not identified any particular demographic criteria that would be prohibited program-wide, regional or otherwise. Please see number 3 above for more information on determinations of demographics.

6. *May plans speak with potential members not currently enrolled in an MLTC plan?*

A Plan may speak with potential members not enrolled in its MLTC plan as it pertains to onboarding or transferring of the patient from another external source (CFEEC, MMC Plan, etc.). Targeted advertising, marketing, or “cold-calling” of non-MLTC enrolled members is prohibited.

Plan-sponsored events and outreach activities

7. *What is a “plan-sponsored community outreach event?”.*

For the purposes of the Marketing Guidance, plan-sponsored community outreach events are events that are created, planned, and operated by a MLTC Partial Capitated Plan in a community setting with intent to distribute marketing material for their plan, or otherwise market to attendees.

8. *How will this guidance apply to plan-sponsored community outreach events included in the previously approved Marketing plan?*

As stated in the Marketing Guidance dated June 21, 2017, “Plans may not hold distinct plan-sponsored community outreach events, even if using previously approved materials.”

9. *Does the prohibition outlined in the guidance apply to events sponsored by community entities (i.e., senior centers or church events)?*

No, as stated in the Marketing Guidance dated June 21, 2017, “Plans may not hold distinct plan-sponsored community outreach events.”

10. *May a plan continue to conduct plan-sponsored educational events or participate in health fairs, as defined in its approved marketing plan, in an existing region and to its current demographic (prospective members)?*

Yes. As stated in the Marketing Guidance dated June 21, 2017, Plans may continue to use marketing plans and materials that received prior approval, including “Plan participation at health fairs and other health education functions using previously approved information materials such as plan product comparisons or fact sheets, brochures, and member handbooks.”

11. *Would plans be permitted to attend events related to Vision Care, diabetes education, and wellness?*

Plans are permitted to attend health fairs or other health education events. Specific questions on events can be directed to the Plan managers.

12. *To what extent may plans reference their services at these types of events?*

As stated in the Marketing Guidance dated June 21, 2017, “Plans may continue to use plans and materials that received prior Department approval. This includes Plan participation at health fairs and other health education functions using previously approved information materials such as plan product comparisons or fact sheets, brochures, and member handbooks.”

13. *May Plans may use previously approved materials at health fairs and education functions (i.e., not new marketing campaigns or events)?*

Yes.

14. *May plan representatives speak about their plan at a health fair and distribute plan-specific materials, or must the discussion be focused on health education?*

Plans are permitted to attend health fairs or other health education events, and may continue to use previously approved information materials such as plan product comparisons or fact sheets, brochures, and member handbooks.

15. *If a medical director wearing a plan-specific badge speaks about the importance of preventive care visits at a health fair, will the fair be found to be plan-sponsored? If prospective enrollees approached the director to ask for plan-specific materials, may the director share that information?*

The fact that a Medical Director from a specific plan speaks at a health fair does not necessarily make the health fair plan-sponsored. If prospective enrollees approach the Medical Director at the health fair and asked for plan specific information, the Medical Director may share the Plan’s previously approved information materials such as plan product comparisons or fact sheets, brochures, and member handbooks.

16. *Many plans currently purchase ads or tickets to advocacy and community events (i.e., Medicare Rights Center events, other provider-oriented events, etc.). Please specify whether such activities are now prohibited.*

As stated above, Plans may attend various events, but they may not advertise in event programs or brochures, and may not promote the Plan partial capitation products or services at such events.

16(a). *May plans still invite community residents who might be potentially eligible for MLTC/FIDA programs to such events?*

The Marketing Guidance does not prohibit community resident attendance at such events.

16(b). If a Plan wants to have a ribbon-cutting or open house for a new building or program, under the guidance, would the plan be permitted to invite community residents who might potentially be eligible for MLTC?

The Marketing Guidance does not prohibit community resident attendance at such events.

Marketing and communications materials

19. May plans distribute previously approved marketing materials at community locations (i.e., pharmacies, libraries, religious centers, senior centers, etc.)?

Plans may not distribute previously approved materials to those community locations listed if it is a significant expansion in the use of previously approved marketing materials, or significant change in the way such materials are used.

20. May Plans distribute brand-level marketing materials (i.e., materials that do not reference MLTC but reference a parent or sister entity with which the Plan is associated) at outreach events?

Plans may continue to utilize other marketing materials for other product lines of business pursuant to the rules and guidance governing those products. The Marketing Guidance speaks only to a limitation on MLTC Partial Plan marketing. Previously approved Plan product comparison or fact sheets may still be used.

21. Please confirm that these guidelines do not apply to other plan products (such as Medicare Advantage plans) For example, many plans also have a Medicare Advantage plan and use curbside marketing activities to reach out to potential members, in accordance with CMS requirements.

As stated in the Marketing Guidance dated June 21, 2017, “The New York State Department of Health is evaluating its process for reviewing and approving marketing plans and materials for Managed Long Term Care (MLTC) Partial Capitation Plans.”

22. May plans distribute previously approved brochures featuring all of their long-term care plans (MAP, FIDA, MLTCP)?

As stated in the Marketing Guidance dated June 21, 2017, “Plans may continue to use marketing plans and materials that received prior Department approval. This includes Plan participation at health fairs and other health education functions using previously approved information materials such as plan product comparisons or fact sheets, brochures, and member handbooks.”

23. During Medicare Advantage curbside marketing, are plans permitted to distribute MLTC outreach materials?

No.