

MEDICARE PLATINO CONTRACT

APPENDIX Q (22)

GUIDELINES FOR
MARKETING ACTIVITIES



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GOBIERNO DE PUERTO RICO
ADMINISTRACIÓN DE SEGUROS DE SALUD
Director Ejecutivo | Jorge E. Galva, JD, MHA | jgalva@asespr.org

May 3, 2021

TO: MEDICARE ADVANTAGE (MAOs) COMPANIES CONTRACTED TO PROVIDE SERVICES TO MEDICARE PLATINO BENEFICIARIES *GUIDELINES FOR MARKETING ACTIVITIES*

RE: GUIDELINES FOR MARKETING ACTIVITIES - APPENDIX Q

This communication is to inform the guidelines for marketing activities.

All MAOs contracted to provide services to Medicare Platino Beneficiaries shall 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 (PRHIA) does not permit the performance of any sales activities, presentations, distribution and/or acceptance of enrollment applications in any Puerto Rico Government Agencies, Public Corporations or other government facilities. Similarly, PRHIA does not allow any MAOs to perform marketing activities within fifty (50) meters of the entrance of a Puerto Rico Medicaid Office.

MAOs may conduct sales activities, including sales presentations, the distribution of marketing materials, and the distribution and collection of enrollment forms in common areas of a healthcare setting. Common areas in a healthcare setting include, but are not limited to common entryways, vestibules, waiting rooms, hospital or nursing home cafeterias, and community, recreational, or conference rooms. MAOs may not market in restricted areas. These restricted areas generally include, but are not limited to: exam rooms, hospital patient rooms, treatment areas where patients interact with a provider and his/her clinical team and receive treatment (including dialysis treatment facilities), and pharmacy counter areas (where patients interact with pharmacy providers and obtain medications). Communication materials, as opposed to marketing materials, may be distributed and displayed in all areas of the healthcare setting.

Appointments with beneficiaries 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.

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Contracted providers or facilities may be used to distribute marketing materials as long as the provider or facility distributes or makes available marketing materials for all plans in which the provider or facility participates. Marketing materials may only be distributed to individuals who meet criteria for enrollment.


PRHIA will sanction or establish monetary penalties for any MAO that does not comply with these guidelines, as permitted by contract and applicable laws and regulations. If an employee or authorized representative of PRHIA detects a MAO's sales representative performing marketing activities in a manner contrary to these guidelines, PRHIA's authorized representative may perform, but is not limited to, the following actions:

1. Collect "Medicare Platino" marketing material;
2. Solicit the name and position of the MAO sales representative;
3. Verify that the sales representative is informed about the "Platino General Information" and the "Guidelines for Marketing Activities";
4. Take pictures of the MAO marketing activities or of the sales point;
5. If necessary or in the cases that required, PRHIA's employee or authorized representative may measure the distances between the point of sale activities and the unauthorized areas in steps, to demonstrate noncompliance.
6. Other actions that may be necessary or required.

The PRHIA Compliance Office, will notify the Medicare Advantage Organization Compliance Officer by e-mail or other written method of any identified instances of noncompliance with the "Marketing Activities Guidelines".

We expect strict compliance with the aforementioned guidelines.

Cordially,


Jorge E. Galva, JD MHA
Executive Director

