

HPMS Memo Update and FAQs

On 10/8/2021, the Centers for Medicare & Medicaid Services (CMS) released a “CMS Third Party Marketing Memo” which provides the following updated guidance on requirements for Third Party Marketing:

- All marketing materials for Medicare Advantage plans must be submitted to CMS prior to use.
- Materials used to market MA/PD Plans may not mislead, confuse, or provide materially inaccurate information to current or potential enrollees.

*Per CMS, “Advertisements intended to draw a beneficiary’s attention to an MA plan or plans and include or address content regarding plan premiums, cost sharing or benefit information, **including those not mentioning a specific plan by name** (as well as instances where such advertisements are made on behalf of multiple MA organizations), are marketing. Thus, these advertisements, as marketing materials, must be submitted to CMS prior to their use.”*

CMS is particularly concerned with sources for lead generation and also national advertisements promoting MA plan benefits and cost savings; words or imagery on ads that give the appearance the ad is coming from the government. However, this guidance is not limited to traditional lead generation materials or television ads.

What you need to know:

Based on updates to carrier guidance, all non-carrier branded marketing material being used to promote Medicare Advantage and/or Part D plans and reference benefits or premium, even generically, must be submitted to CMS, and also to the Carriers agents are appointed with through their upline.

Action Required:

As soon as possible, send all of your marketing materials that fall into one of the categories below to Agent Pipeline for review and submissions to CMS and the carriers. This requirement applies to all materials that are currently in use or intended to be used for 2022 Annual Election Period.

This filing requirement includes, but is not limited to, materials that include:

- Mention of benefits (i.e. “This plan may include benefits such as dental, vision, and hearing.”)
- Mention of plan premiums (i.e. “Plans in your area may include options with \$0 premium.”)
- Mention of Part B buy-back benefits

Filing is required for all lead sources including, but not limited to:

- All marketing pieces you obtained from Third Party Lead Vendors;
- Marketing materials created by you, your downline agents; or your agency; or 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 Ads, Radio Ads (submit storyboards or scripting);
- Direct Mailers of all types – Flyers, BRCs, etc. (submit copies of the document – front & back);
- URLs/Links for websites, landing pages, social media, emails, etc.

Carriers will conduct a retrospective review, during which time agents and agencies are permitted to use the material. Should your material be denied during the carrier review process, you will be notified.

FAQs:

Q: Are all marketing materials impacted?

A: All materials considered to be marketing fall under this updated guidance. Please note that communications do not need to be filed. Please refer to the *Medicare Communications and Marketing Guidelines* for more information regarding marketing vs. communications.

Marketing includes referencing benefits and/or premiums even generically. Examples of items that do and do not need to be filed are below:

| Need Filed | Do Not Need Filed |
|---|--|
| “Plans may include benefits such as dental, vision, and hearing.” | “The Medicare Annual Enrollment Period has started.” |
| “Plans as low as \$0 a month” | “Review your Medicare plan options today.” |
| “Plans offering Part B Buy-Back benefits may be available.” | “We can review Medicare Supplement Plans, Medicare Advantage Plans, and Part D Prescription Drug plans.” |

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 Annual Enrollment Period and subsequent enrollments for Plan Year 2022.

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.

- **Standardized Material Identification (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.
 - Note: 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:

- MULTIPLAN_1234abcd_M
- MULTIPLAN_5678wxyz_2022 for websites
- MULTIPLAN_1502pqrs_2022_EnrollmentScript_M

Websites SMIDs should end with _2022 instead of _M.

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