

# Medicare Managed Care Manual

## Chapter 3 – Marketing

### (EXCERPT)

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#### 30.1 - Guidelines for Advertising Materials

Advertising materials can be defined as materials that are primarily intended to attract or appeal to a potential enrollee. They are intended to be viewed quickly by a potential enrollee and are short in length/duration. Specifically, these advertisements are:

- Television ads;
- Radio ads;
- Banner/banner-like ads;
- Outdoor advertising;
- Direct mail (as long as it does not include the enrollment form);
- Print ads (newspaper, magazine, flyers, etc.); and
- Internet advertising.

This section outlines requirements for these types of advertisements.

The following definitions apply to some of the ads addressed in this section:

- **Outdoor Advertising (ODA):** ODA is marketing material intended to capture the quick attention of a mobile audience passing the outdoor display (e.g., billboards, signs attached to transportation vehicles, etc.). ODA is designed to catch the attention of a person and influence them to call for detailed information on the product being advertised.
- **Banner Advertisements:** “Banner” advertisements are typically used in television ads, and flash information quickly across a screen with the sole purpose of enticing a prospective enrollee to call the organization for more information. This type of ad does not contain benefit or cost sharing information.
- **Banner-like Advertisements:** A “banner-like” advertisement can be ODA and is usually in some media other than television, is intended to very brief and to entice someone to call the organization or to alert someone that information is forthcoming and, like a banner ad, does not contain benefit or cost sharing information.

The following guidelines apply to advertisements:

## A. Language Requirements

### 1. Disclaimers/Disclosures:

- a. For banner ads, banner-like ads and ODA, Medicare health plans are not required to include **any** disclaimers or disclosures (e.g., lock-in and premium information) on the ads.
- b. For all other advertising materials not listed in a. above, Medicare health plans must include the statement that the organization contracts with the Federal government. Refer to the Must Use/Can't Use/Can Use chart in §30.3 for statements the organization may use.

If the material references benefits/cost sharing, and is being used under the streamlined review process addressed in §20.3, then the material must also include the disclaimer that the benefits/cost sharing is “pending Federal approval.” With one exception for certain materials (see c. below), no other disclaimers or disclosures (e.g., lock-in and premium information) are required for these advertising materials.

- c. In addition to the disclaimers required in b. above, flyers and invitations to sales presentations that are used to invite beneficiaries to attend a group session with the intent of enrolling those individuals attending must also include the following two statements:
  - “A sales representative will be present with information and applications.”
  - “For accommodation of persons with special needs at sales meetings, call [insert phone number].”

2. **Hours of Operation:** Medicare health plans must list the hours of operation for customer services and other health plan services anywhere that these phone numbers are provided. This includes listing the hours of operation for 1-800-MEDICARE any time the organization lists the 1-800-MEDICARE number (24 hours a day/7 days a week). This requirement does not apply to any numbers included on advertising materials for persons to call for more information.
3. **TTY Numbers:** With the exceptions listed below, TTY numbers must appear in conjunction with any other phone numbers in the same font size and style as the other phone numbers. Medicare health plans can use either their own or State relay services, as long as the number included is accessible from TTY equipment.

### Exceptions:

- TTY numbers need not be included on ODA and banner/banner-like ads or in radio ads that include a telephone number.

- With respect to television ads, the TTY number need not be the same font size/style as other phone numbers since it may result in confusion and cause some prospective enrollees to call the wrong phone number. Instead, Medicare health plans are allowed to use various techniques to sharpen the differences between TTY and other phone numbers on a television ad (such as using a smaller font size for the TTY number than for the other phone numbers).

#### **4. Preferred Provider Organizations (including PPO Demonstrations) Only:**

The following requirements only apply to Internet ads, brochures, and direct mail pieces. They do not apply to television and radio ads, ODA, and banner/banner-like ads.

- **Mandatory Supplemental Benefits:** If a PPO offers benefits, including mandatory supplemental benefits (such as prescription drugs or dental services) that are limited to in-network providers and facilities, marketing materials that mention these benefits must state that not all benefits are available from non-preferred providers.
- **Cost Savings Described in Marketing Materials:** If a PPO states in marketing materials that prospective enrollees may save money if they join the plan, it must acknowledge the added cost of accessing services out-of-network and/or that using services in-network can cost less than using services out-of-network.

### **B. Formatting Requirements**

1. **Font Size Rule:** With the exception listed below, for all written advertising materials footnotes must be the same size font as the majority of the text of the advertisement. The text size is left to the discretion of the organization and can be smaller than size 12-point font, but the majority of the text of the advertisement and footnotes must be the same size font.

#### **Exception:**

- Information contained in brochures and direct mail pieces must be no smaller than Times New Roman 12-point or equivalent font. More detail on this requirement is contained in [§30.2](#).
- If an organization publishes a notice to close enrollment in the Public Notices section of a newspaper, the organization need not use 12-point font and can instead use the font normally used by the newspaper for its Public Notices section.