

DEPARTMENT OF COMPLIANCE
SPECIALIZED ALERT OF COMPLIANCE

Date: December 16, 2016

To: Membership Department

Subject: Specialized Compliance Alert; ST-045 Guide to Marketing Activities

On December 15, the Puerto Rico Health Insurance Administration (ASES) issued a Regulatory Letter # 16-1215 which states that Medicare Advantage organizations are not allowed to conduct marketing activities within one (1) mile of one Medicaid office. These activities include, but are not limited to:

1. Sales activities
2. Presentations
3. Distribution and / or acceptance of forms of affiliation
4. Address beneficiaries in areas where they receive or expect to receive health care services. These areas generally include, but are not limited to:
 - Waiting rooms
 - Exam rooms
 - Patient rooms in hospitals

- Treatment areas in dialysis centers (when the individual is interacting with the clinical team or receiving treatment)
- Pharmacy counters, when the patient interacts with the pharmacy provider and / or is in the waiting area to obtain the drug

The Puerto Rico Health Insurance Administration (ASES) will sanction or impose monetary penalties on any Medicare Advantage organization that does not comply with these guidelines, as permitted by the contract and applicable laws.

References:

Health Insurance Administration (ASES) Normative letter # 16-1215, December 15, 2016; All Medicare Advantage (MAOs) companies contracted to Provide Services to Medicare Platinum Beneficiaries