



Policies and Procedures

Policy Title Marketing Materials and Activities			
Department Responsible Compliance and Integrity	Policy Code THN – 1.40	Effective Date May 2016	Next Review Date May 2017
Title of Person Responsible Compliance Officer	Approval Council Triad Healthcare Network Board of Managers		Approved Date May 24, 2016

PURPOSE

Participation in federal programs is a tremendous responsibility and Triad Healthcare Network, LLC (THN) and Accountable Care Organization (ACO) is committed to maintaining a culture that promotes integrity and compliance with all federal and state laws and regulations. This policy outlines the process for developing, reviewing and approving marketing materials defined by the Centers for Medicare & Medicaid Services (CMS).

DEFINITIONS

TERM	DEFINITION
ACO Participant	An entity identified by a Medicare-enrolled billing TIN through which one or more ACO providers/suppliers bill Medicare, that alone or together with one or more other ACO participants compose an ACO, and that is included on the list of ACO participants that is required under 42 C.F.R. § 425.118.
ACO Provider/Supplier	An individual or entity that: (1) is a provider or supplier under Medicare regulations; (2) is enrolled in Medicare; (3) bills for items and services furnished to Medicare fee-for-service beneficiaries during the agreement period under a Medicare billing number assigned to the TIN of an ACO participant; and (4) is included on the list of ACO providers/suppliers that is required under 42 C.F.R. § 425.118.
Marketing Materials and Activities	<p>Include, but are not limited to, general audience materials such as brochures, advertisements, outreach events, letters to beneficiaries, Web pages, data sharing opt out letters, mailings, social media, or other activities conducted by or on behalf of the ACO, or by ACO participants, or ACO providers/suppliers participating in the ACO, when used to educate, solicit, notify, or contact Medicare beneficiaries or providers and suppliers regarding the ACO program.</p> <p>The following beneficiary communications are not marketing materials and activities: Certain informational materials customized or limited to a subset of beneficiaries; materials that do not include information about the ACO, its ACO participants, or its ACO providers/suppliers; materials that cover beneficiary-specific billing and claims issues or other specific individual health related issues; educational information on specific medical conditions (for example, flu shot reminders), written referrals for health care items and services, and materials or activities that do not constitute “marketing” under HIPAA regulations 45 CFR 164.501 and 164.508(a)(3)(i).</p>



TERM	DEFINITION
Prospectively Assigned Beneficiaries	Medicare beneficiaries who are prospectively assigned to the ACO as reported in the preliminary prospective assignment list and quarterly updates to the list provided by CMS.

POLICY

THN will comply with the CMS requirements for ACO’s marketing materials and marketing activities, including beneficiary notifications (i.e. marketing and communication materials intended for distribution to potential or actual ACO beneficiaries).

RESPONSIBILITIES

It is the responsibility of each member of the THN Board of Manager’s, employees, ACO Participants, ACO Providers/Suppliers, and others acting on behalf of THN (Workforce) to abide by this policy.

1. The Workforce will submit marketing and communication materials intended for distribution to ACO beneficiaries to the Director of ACO Operations. This includes, but is not limited to, notices to patients and signage for the ACO.
2. The Director of ACO Operations will review materials and recommend changes or will approve the materials.
3. Once materials are approved, the Director of Operations will share the materials with ACO management for review and approval.
4. Once ACO management has approved, the Director of Operations will submit the materials to CMS for review and approval.
5. Once materials are approved or deemed approved by CMS (deemed approved means materials have been submitted to CMS and after five (5) business days may be used), the Director of Operations will coordinate publication and distribution of the materials.
6. CMS may disapprove of materials at any time and all materials previous approved will be immediately discontinued from use.
7. THN will utilized any CMS developed templates when possible, without changing.
8. All THN materials and activities will comply with prohibitions on beneficiary inducements.

REFERENCE DOCUMENTS/LINKS

- 42 CFR 425.20
- 42 CFR 425.310
- 42 CFR 425.312
- Policy 1.45 THN Beneficiary Inducements

ATTACHEMENT

N/A

PREVIOUS REVISION/REVIEW DATES

Date	Reviewed	Revised	Notes
N/A	N/A	N/A	This is a new policy.