

FAX TRANSMITTAL COVER SHEET

94-450 Mokuola St., Suite 106, Waipahu, HI 96797
Medicaid: (888) 846-4262 • Medicare: (888) 505-1201



Date: March 5, 2009

From: 'Ohana Health Plan

To: 'Ohana Providers

Pages: 4 (including cover page)

Subject: Transition of Patient Care to 'Ohana Health Plan **(Forms now included)**

Please share the contents of this message with all participating 'Ohana providers at this location.

Thank you,
'Ohana Health Plan

'Ohana Health Plan is a plan offered by WellCare Health Insurance of Arizona, Inc.

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WellCare Health Plans, Inc.
Attention: Chief Privacy Officer
8735 Henderson Road, Ren. 2
Tampa, FL 33634
Phone: (813) 290-6200



'OHANAHEALTH PLAN
A PLAN OFFERED BY
WELLCARE HEALTH INSURANCE OF ARIZONA, INC.

CMS Provider Marketing Regulations

February 4, 2009

Dear 'Ohana Medicare Provider,

As you may know, the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) recently mandated significant changes in the way Medicare Advantage (MA) Organizations market their health plans.

On October 17, 2008, the Centers for Medicaid and Medicare Services ("CMS") issued a memorandum to all MA Organizations regarding MIPPA implementation guidance. That memorandum included CMS's guidance on Provider Marketing, including a reiteration of its Specific Guidance About Provider Promotional Activities originally published in the Medicare Marketing Guidelines.

Given CMS's intense focus on MA Organization marketing practices we felt it was important to share the following information with you:

- The excerpt from October 17, 2008 memorandum regarding "Provider Marketing" (Appendix I)
- A matrix describing 'Ohana's approach to marketing with its providers (Appendix II)

We also encourage you to review the attached materials and the Specific Guidance About Provider Promotional Activities which is available via <http://www.cms.hhs.gov/prescriptiondrugcovcontra/downloads/finalmarketingguidelines.pdf>

We believe CMS's expectations can be reduced to the following guiding principles:

- Providers should act in the best in interest of Medicare beneficiaries when providing them with information about MA Organizations
- Providers cannot direct, urge, or attempt to persuade Medicare beneficiaries to enroll with a specific MA Organization

Please direct any questions you may have about participation in 'Ohana marketing activities to your 'Ohana Provider Relations representative.

Finally, if you believe any 'Ohana employee or agent is not complying with this guidance we encourage you to call Provider Services at 888-505-1201.

94-450 Mokuola Street, Suite 106
Waipahu, HI 96797
Medicaid Toll-Free Telephone: (888) 846-4262
Medicare Toll-Free Telephone: (888) 505-1201
Web Address: www.ohanahealthplan.com

Sincerely,

Jonathan P. Rich
SVP & Chief Compliance Officer

cc:

**Excerpt from October 17, 2008
Memo to Medicare Advantage Organizations**

Provider Marketing

CMS would like to restate our current Medicare Marketing Guidelines (“MMG”) as they pertain to provider marketing. “Plans shall prohibit providers from steering, or attempting to steer an undecided potential enrollee toward a plan, or limited number of plans, offered either by the plan sponsor or another plan sponsor, based on the financial interest of the provider or agent, (or their subcontractors). Providers that have entered into co-branding relationships with plan sponsors must also follow this guidance. CMS is concerned about provider activities for the following reasons: Providers may not be fully aware of all plan benefits and costs; and Providers may confuse the beneficiary if the provider is perceived as acting as an agent of the plan vs. acting as the beneficiary’s provider.” (MMG p.122-123)

Providers should remain neutral parties in assisting plans to market to beneficiaries or assisting enrollment decisions. Therefore, it would be inappropriate for providers to be involved in any of the following actions:

- offering sales / appointment forms,
- mailing marketing materials on behalf of plans,
- making phone calls or steering beneficiaries, in any way, to a limited number of plans.

This type of action by providers can cause undue confusion regarding the financial motivations of providers.

CMS would not condone a medical group or other health service provider (though they do not sell insurance) conducting parties, dances or other events not related to the medical care of their patients if the intention of the event is to steer beneficiaries to a plan. Additionally, health plans are not allowed to co-sponsor meals or otherwise engage in restricted activity under our Marketing Guidelines or regulations, even if providers are involved.

‘Ohana Provider Marketing Guidelines*

The following are examples of some marketing activities that ‘Ohana representatives are either permitted or prohibited from participating in with network providers

<u>Permitted</u>	<u>Prohibited</u>
Sales/Marketing Activities in Provider-Based Settings	
<ul style="list-style-type: none"> • Making CMS-approved sales materials and/or “consent to future contact” forms available in non-treatment areas if the provider would allow the same opportunity to all the MA Organizations that it participates with 	<ul style="list-style-type: none"> • Allowing ‘Ohana representatives to physically distribute sales materials in a treatment area or waiting room • Soliciting or receiving leads or consent forms from providers or their office staff • Asking a provider or their office staff to make unsolicited outbound marketing-related calls on behalf of ‘Ohana
<ul style="list-style-type: none"> • Allowing ‘Ohana representatives to generate leads or conducting sales events <u>in</u> provider “<u>common areas</u>”, (e.g. building lobbies, cafeterias, conference rooms), that are separate from treatment areas or waiting areas, (by at least 25 feet), if the provider would allow the same opportunity to all the MA Organizations that it participates with • Sales events must be properly advertised and CMS-reported 	<ul style="list-style-type: none"> • Allowing ‘Ohana representatives to conduct sales presentations, distribute information or, collect leads in a treatment areas or waiting rooms
Provider Involvement in Events	
<ul style="list-style-type: none"> • Provider hosting, (e.g., providing a location for), or participating in a sales or education event, (including on a health topic – as long as it’s advertised and CMS-reported - if the provider would allow the same opportunity to all the MA Organizations that it participates with 	<ul style="list-style-type: none"> • Provider directing, urging, or attempt to persuade Medicare beneficiaries to enroll in ‘Ohana • Provider sponsoring or participating in a non-medical/health related event like a dance or party for the purpose of the endorsing a single MA Organization
Co-Marketing With Providers	
<ul style="list-style-type: none"> • Conducting a one-time direct mailing to the provider’s patient base using a CMS-approved “provider affiliation” letter announcing the Provider’s new network participation status with ‘Ohana 	<ul style="list-style-type: none"> • Conducting subsequent mailings directly to the provider’s patients mentioning the provider’s ‘Ohana network participation status if the material does not reference all MA Organizations that the provider participates with

**This is not a complete list of permitted or prohibited provider marketing activities and represents ‘Ohana policy not legal or regulatory compliance advice.*