

## **Q & A on Marketing and Enrollment under Medicare-Approved Drug Card Programs**

**Q:** Can card sponsors provide payments to other parties for assistance in enrolling beneficiaries in a Medicare discount card?

**A:** CMS supports and encourages *bona fide efforts* to educate beneficiaries about the Medicare's drug card program and to assist beneficiaries in making decisions based on full, accurate, and impartial information about their drug card options. Under the Federal Antikick back statute, educational and outreach may not be funded by mechanisms that result in steering patients toward one particular card. The Office of Inspector General's (OIG) has provided guidance on outreach and educational practices including enrollment assistance and it is available at [www.oig.hhs.gov](http://www.oig.hhs.gov). We strongly encourage card sponsors to review the OIG's guidance. Under 403.806(c) of our regulations a sponsor must comply with all applicable Federal and State laws, including the Federal anti-kickback statute.

The CMS oversight and monitoring strategy will focus on activities of the sponsors (and their subcontractors) that directly affect the experience of Medicare beneficiaries under the drug card program and the value of their card. Hence, CMS intends to closely monitor the implementation of sponsors' information and outreach for this activity and will refer findings to the OIG for possible violations of the anti-kickback statute.

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