

Supplier Marketing Guidelines

As a contract supplier in the Medicare Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Competitive Bidding Program, you may lawfully refer to yourself as a “Medicare Contract Supplier” when providing information about items included in your contract to beneficiaries. However, it is important to understand that all of the existing rules and regulations regarding marketing DMEPOS to beneficiaries under the fee-for-service program also apply to DMEPOS contract suppliers under competitive bidding. Failure to comply with these standards is a breach of contract and may result in contract termination, the revocation of Medicare billing privileges, civil money penalties, and other significant penalties.

Here are key requirements applicable to all DMEPOS suppliers that contract suppliers should remember when marketing to beneficiaries:

- DMEPOS suppliers must not use symbols, emblems or names in reference to the Centers for Medicare & Medicaid Services (CMS), the Department of Health and Human Services, Social Security, or Medicare in a manner creating the false impression of endorsement or approval or in a manner otherwise prohibited by section 1140(a) of the Social Security Act. [See 42 U.S.C. section 1320b-10 for entire text of Section 1140\(a\).](#)
- DMEPOS suppliers are prohibited from making unsolicited contact by telephone to Medicare beneficiaries. There are three circumstances (exceptions) under which a supplier may contact beneficiaries:
 - The beneficiary has given written permission to the supplier to contact him or her about furnishing a Medicare-covered item that is to be rented or purchased.
 - The supplier has furnished a Medicare-covered item to the beneficiary, and the supplier is contacting the beneficiary about such item.
 - If the contact concerns the furnishing of a Medicare-covered item other than a covered item already furnished to the individual, the supplier must have furnished at least one covered item to the individual during the 15-month period preceding the date on which the supplier makes such contact.

CMS has posted additional information about telemarketing requirements on its website at: <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/MedicareProviderSupEnroll/Downloads/DMEPOSTelemarketingFAQs.pdf>

The Office of Inspector General has also provided information on telemarketing requirements on its website at: http://oig.hhs.gov/fraud/docs/alertsandbulletins/fraudalert_telemarketing.pdf

If anyone has knowledge of a potential marketing violation by a DMEPOS supplier, he or she may call and report the violation at 1-800-Medicare or 1-800-HHS-TIPS. Additionally, persons receiving any written materials which were used to promote this violation should be prepared to make the material available to the government.

