



NEW CMS RULE CHANGES

CMS Issues New Rule Changes Set to take effect on September 30, 2023



We Help Agents Sell Medicare Better.



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**Discover Key Highlights
of the Latest CMS Rules:
Stay Tuned for Further
Updates from CMS and
Insurance Carriers as
AEP Approaches**

NEW CMS RULE CHANGES



Materials For Marketing

- Marketing materials may not be used to promote benefits in regions where they are not eligible
- Marketing materials may not be used to advertise Comparisons between uninsured individuals and beneficiary savings
- Marketing materials used for MAPD and PDP's may not suggest savings to individuals when not specified
- Unless accompanied by documented data from the current or previous year, the use of superlatives in marketing is generally prohibited
- The marketing material must include a list of plans being represented.

Medicare Logos, Name, and Marks

- The CMS has recently made firm and improved regulations concerning the usage of the term Medicare and other brands marks owned by the federal government
- CMS is now mandating preauthorization for the use of specific logos and marks, including the image of the Medicare Card. Additional guidelines will be updated.
- It is crucial to ensure that a marketing design does not cause confusion for beneficiaries, making them believe they are interacting directly with Medicare. This includes various elements such as the use of red/white/blue colors, the Medicare logo, a picture of a Medicare ID Card, or the Department of Health & Human Services (HHS) logo.

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SCOPE OF APPOINTMENT (SOA)

- Agents are required to obtain an SOA at least 48 hours before they can present and enroll a beneficiary into a plan.
- Some exceptions to the 48-hour rule include:
 - The 48-hour rule does not apply if a beneficiary is in the last four days of their valid enrollment period
 - The beneficiary is an appointment made without prior arrangement
 - The beneficiary has prohibiting limitation such as available transportation
- SOAs remain valid for a period of 12 months starting from the date of the beneficiary's signature or their request for additional information.

EDUCATIONAL EVENTS

- Sales events may NOT take place within a 12-hour timeframe immediately following an educational event in the same location. This includes events held in the same room/venue, building, or adjacent buildings.
- Agents are now prohibited from collecting SOAs or arranging future appointments with beneficiaries during educational events. However, agents have the option to obtain a Business Reply Card (Permission to Call Form) at an Educational Event.

PRE-ENROLLMENT CHECKLIST

- CMS will provide further instructions regarding a pre-enrollment checklist, which will include new discussion items that are mandatory.
- Agents are required to clarify the impact of a client's enrollment decision on their existing coverage when the client decides to enroll.

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DISCLAIMER RULES

- The mandatory disclaimer now extends to all third-party marketing organizations (TPMOs), including those that offer either a single plan or all plans available in a specific area.
- Agents are obligated to include State Health Insurance Programs (SHIPs) in the list of available resources to assist beneficiaries.
- TPMOs are required to disclose the number of carriers and plans they represent in the mandatory disclaimer on all marketing materials.

Make Sure You Are Using The NEW Disclaimer:

"We do not offer every plan available in your area. Currently, we represent [insert number of organizations] organizations which offer [insert number of plans] products in your area. Please contact Medicare.gov, 1-800-Medicare, or your local State Health Insurance Program (SHIP) to get information on all of your options."

CLARIFICATION ON CALL RECORDINGS

- CMS is modifying the recording requirement for calls. Starting from September 30, 2023, only sales and enrollment calls will be necessary to record.
- CMS further specifies that virtual meetings including platforms like Zoom or FaceTime, are the same as phone calls. The audio from such virtual communications must be recorded.

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CLARIFICATION ON DOOR KNOCKING

- CMS states that obtaining permission to make a phone call is not equivalent to obtaining permission to unexpectedly visit a beneficiary's home.
- According to CMS marketing rules and regulations, door-to-door marketing of MAPD and PDP products continues to be prohibited
- The collection of a Business Reply Card does not serve as a replacement for obtaining permission to approach a beneficiary's door without a scheduled appointment.

ATTENTION: CMS RULE CHANGES BECOME EFFECTIVE BEGINNING SEPTEMBER 30, 2023



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**For further information and clarification please do not hesitate to reach out
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