Ensure Your Medicare Marketing Efforts Are Compliant For AEP

Description

By James Schulze

This article discusses the U.S. governmentâ??s marketing rules for Medicare plans and specific restrictions on agent actions. It also addresses how agents can quickly become compliant before AEP begins.

With less than a month until the start of Medicareâ??s Annual Enrollment Period (AEP), ensuring your agencyâ??s marketing efforts comply with CMSâ?? April ruling is not too late. Despite legal challenges to CMSâ?? requirements for one-to-one consent, courts have sided with CMS. For the foreseeable future, one-to-one consent will be required.

How can your agency be compliant with AEP

The U.S. government website, Medicare.gov, lists 13 different actions agents representing Medicare plans are *not* allowed to perform when interacting with and marketing to seniors. These restrictions will affect many aspects of your marketing strategy, including:

Marketing creatives / advertising

Agents are not allowed to:

- Advertise to seniors without using specific plan names
- Use words or images in their advertising that might confuse or mislead seniors

The best way to ensure compliance is to gain CMS approval for all your marketing creatives and ads. The approval process can require days, even months. If you have not started this process, seek to align yourself with marketing organizations with CMS-approved creatives and actively and compliantly generate sales leads.

Telemarketing and data sharing

Agents are not allowed to:

- Call a senior unless they are already a member of the plan or they have given an agent permission to contact them.
- Ask for a seniorâ??s personal information (e.g., bank account or credit card information) over the phone unless it is required to complete an enrollment request

Compliance with your existing Medicare clients will primarily be business as usual. Agents who initially help seniors join a Medicare plan are allowed to call them.

If you seek to add to your Medicare client base, compliance will require more effort. You must obtain one-to-one consent from seniors to interact with and help them enroll. During AEP and onward, a beneficiaryâ??s data collected by third-party marketing organizations (TPMOs) can *only* be shared with another TPMO if the beneficiary gives prior written consent. This consent can only be obtained through a displayed disclosure. Taking it one step further, the CMS requires that one-to-one consent be established for *every* TPMO.

Sales process and scripting

Agents are not allowed to:

- Require that a senior speak to a sales agent to learn more about a plan
- Try to sell seniors a non-health related product, such as life insurance or final expense policies, during a sales call for a Medicare plan

To comply with CMS, agencies must ensure that their sales process offers multiple, effective ways of sharing information with seniors (e.g., sharing a website link, sending an email, mailing information). While most salespeople would view conversing with a senior as the most effective way to increase enrollments, the CMS frowns upon overly aggressive sales tactics.

Many agents who sell Medicare plans also sell life insurance, annuities, and final expense policies. While it may be tempting to make seniors aware of more than just Medicare plans during conversations, an agencyâ??s scripting should focus only on Medicare plans for these calls to be less confusing to seniors and to be considered CMS-compliant.

Getting help in the countdown to AEP

While the new restrictions may seem a little daunting, the good news is that even with the short time before AEP, you can ensure your agencyâ??s marketing efforts are compliant. The best way to establish compliance in this short window is to partner with a leads provider that offers:

- **Customer-initiated inbound calls**

Your agency can achieve the highest level of compliance when you receive inbound calls from seniors interested in learning more about a Medicare plan. Whether they are responding to your leads providerâ??s marketing creatives on the Internet, social media, or direct mail pieces, they are giving you one-to-one consent.

- **Exclusive leads**

One way to ensure you gain one-to-one consent is to request exclusive leads from your lead provider. Exclusive leads are never sold to more than one agent. Therefore, for any calls you receive from seniors, you can be assured that one-to-one consent requirements are being met.

- **Leads generated from CMS-approved creatives**

Be sure to align your agency with a leads partner who takes the time to explain how your Medicare leads are created. Ask them to show you the marketing creatives they use and proof that these creatives are CMS-approved. These conversations will go a long way in avoiding any noncompliance and negative repercussions.

If you would like more information on how your marketing efforts can be compliant for AEP, give The Leads Warehouse a call at **1-800-884-8371** or visit our website at https://theleadswarehouse.com.

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