

# Part 4: Compliance Rules and Your Marketing Plan



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**Don't panic!**

# Compliance isn't scary

- The compliance rules can be intimidating, but we are here to help
- Utilize our marketing materials
- Understand some of the basics
- Violating compliance can result in fines or losing your license, so always check with us before moving forward with any marketing actions!

# Basic compliance rules

- Bookmark this:  
<https://www.cms.gov/Medicare/Health-Plans/ManagedCareMarketing/FinalPartCMarketingGuidelines>
- The Medicare Marketing Guidelines document is typically revised each year – it is your “bible” for staying compliant
- You can search for anything in this document and read the rules about it
- These marketing guidelines only apply to Medicare Advantage and Part D

# Rules you should know

- There's a distinction between communications and marketing.
- **Marketing** refers to using materials to draw someone's attention to a plan and to influence them to select it. This is why carrier-specific marketing materials must be approved by CMS.
- **Communications** refer to using materials to provide information. This is why most "generic" marketing materials don't need to be approved by CMS.
- You can't call \$0 premium plans free
- You **can** market to potential enrollees via conventional mail and other print media or email (provided all emails allow the prospect to opt out)
- You **cannot** market to potential enrollees door-to-door (including leaving flyers at someone's house), via telephone, text, or voicemail, or by approaching someone in a common area (parking lot, hallway, etc.)

# Rules you should know

- You can call a potential enrollee **if they have given you permission** (filled out a business-reply card, emailed you asking for a return call, etc.)
- You can offer **nominal gifts** (\$15 or less, \$75 total per person per year) for marketing purposes. You must offer the gift regardless of whether they enroll in a plan.
- You cannot provide or subsidize meals at sales/marketing events. You can offer refreshments and light snacks.
- You cannot knowingly market to MA or Part D enrollees during the OEP (Jan 1-March 31). You can, however, market to age-ins.
- Educational events must be explicitly advertised as educational – no marketing or sales activities allowed.
- Marketing/sales events are designed to steer potential enrollees toward a plan or set of plans. There are lots of requirements for these – check the CMS guidelines!

# Rules you should know

- Rules about specific plans or carriers on your website are extensive
- Many MA carriers will ask you to stay generic and not mention the carrier name
- If you do want to mention a specific carrier, there is a compliance process where you need approval from the carrier and CMS
- Social media posts that mention a specific plan or carrier must be approved by the carrier and CMS
- FYI: Carriers are the ones who submit the marketing to CMS through a portal called HPMS. Agents and FMOs cannot do this – only carriers. We can help facilitate this process if need be!
- Many carriers provide pre-approved marketing materials you can download from the agent portal – utilize those!

# Scope of appointment

- What is a scope of appointment (SOA)?
- Paper, Email, or Text
- Email scopes through our quoting tools
- Text the scope via MedicareCENTER

# Your marketing plan

# What other agents have done

- **One example:** bought 1000 leads and sent direct mailers. Wrote 1-15 and nurtured the rest throughout the year.
- **Second example:** Connect with associations and organizations in your county/state. Develop a referral stream!
- **Banks** have a vested interest in people not moving their HSAs – these are great sources of referrals for many MAPD agents.
- Utilize MA as an option **for current Med Supp clients** who have no good alternatives

# Don't reinvent the wheel

- Use **carrier materials** and order/send directly from their portals
- **Download our generic marketing materials** and use as you see fit!

# Next Up: Writing Business with MedicareCENTER

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