

ABCs of AEP: Consumer Communications vs. Marketing FAQ



Communicating compliantly with clients and prospects

Staying compliant in your communication with clients and prospects is vital! The Centers for Medicare & Medicaid Services (CMS) has created marketing rules that apply to all agents who sell Medicare Advantage and Medicare Part D plans.

This FAQ is just an overview of some compliance concerns related to marketing communications. Make sure to consult your compliance officer and the CMS Medicare Marketing Guidelines for questions.

NOTE: It's your responsibility to follow CMS guidelines. Penalties for noncompliance can include hefty fines and the loss of your license.

Communications Materials

What can an educational communication contain?

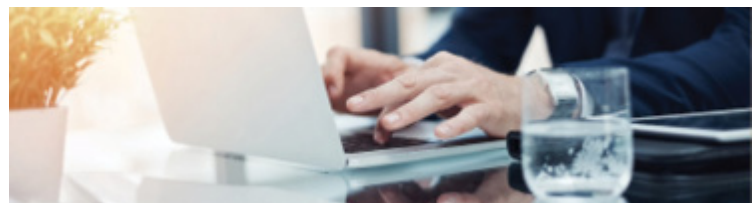
- Educational communications to the consumer can only present general information about Medicare, without referencing benefits, carriers, plans or rankings.
 - » This may include: asking the consumer if they know the available parts of Medicare, informing them of AEP dates, educating them about the differences between Medicare Advantage and Medicare Supplement/Medigap, or letting them know there are resources available to them as they learn about Medicare.

What makes consumer communication “marketing” compared to educational?

- Any content that mentions any type of benefit the beneficiaries can receive, such as dental, vision, cost savings and/or hearing services.
- Content about premiums or cost shares.
- Content about plan rankings (for example, Star Ratings or plan comparisons).
- Any materials that mention any benefit are considered marketing and must be approved by the carrier and submitted for review into CMS HPMS Marketing Module and approved.

What else is important to know about marketing communications?

- Marketing materials that reference benefits, costs, products, plans or rankings must list all carrier names to whom the references apply.
- When carrier names are used, they must be in 12-point font in print, and not part of a disclaimer. In audio marketing, the carrier name must be spoken at the same pace as the rest of the content.
- Agents and brokers may not advertise savings available compared to uninsured individuals.
- Benefits can only be advertised in the service area in which they are available.
 - » This means Medicare Advantage benefits cannot be advertised in national campaigns.
 - » The exception is for “unavoidable marketing,” such as a local radio station or newspaper that reaches several plan service areas.



Consumer Communications

What new changes apply to using Medicare logos or names?

- Agents and brokers may not use the Medicare name, CMS logo, or products or information issued by the federal government in a misleading manner.
 - » This includes using the word Medicare in your business name or your website URL.
 - » The Medicare card image may only be used in extremely limited circumstances, and only after authorization from CMS.



Can agents use superlatives in their communications to consumers?

- No. Agents and brokers may not use superlatives in communications without referenced sources of documentation.
 - » Examples: “best coverage,” “largest network,” “lowest premium,” etc.

AEP will be here before you know it. Now's the time to start getting ready.

