

**TITLE 365. INSURANCE DEPARTMENT  
CHAPTER 25. LICENSURE OF PRODUCERS, ADJUSTERS, BAIL BONDSMEN,  
COMPANIES, PREPAID FUNERAL BENEFITS, AND VIATICAL AND LIFE  
SETTLEMENTS PROVIDERS AND BROKERS**

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

Subchapter 3. Producers, Brokers and Limited Lines Producers  
365:25-3-19. Medicare Part D volunteer counselors [NEW]

**AUTHORITY:**

Insurance Commissioner, 36 O.S. §§ 307.1 and 1435.5(B)(8)

**DATES:**

**Adoption:**

July 7, 2008

**Effective:**

Immediately upon approval by the Governor

**Expiration:**

Effective through July 14, 2009, unless superseded by another rule or disapproved by the Legislature

**SUPERSEDED EMERGENCY RULES:**

n/a

**INCORPORATION BY REFERENCE:**

n/a

**FINDING OF EMERGENCY:**

A compelling public interest requires an emergency rule due to the necessity of providing by rule a means for compliance with amendments to Section 1435.5 passed during the 2008 session of the Oklahoma Legislature in Section 9 of House Bill 2122 which were effective on July 1, 2008.

**ANALYSIS:**

The purpose of this regulation is to set forth supporting documentation to be submitted to the Insurance Commissioner by volunteer counselors prior to conducting enrollment assistance to Medicare beneficiaries enrolling in Medicare Part D plans. Section 9 of House Bill 2122 provides that the supporting documents must be set out by rule.

**CONTACT PERSON:**

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**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S. SECTION 253(D):**

**SUBCHAPTER 3. PRODUCERS, BROKERS AND LIMITED LINES PRODUCERS**

**365:25-3-19. Medicare Part D volunteer counselors**

(a) To qualify for an exemption from the licensure requirements of the Oklahoma Producer Licensing Act of the Oklahoma Insurance Code pursuant to Section 1435.5(B)(8) of Title 36 of the Oklahoma statutes, partner organizations using volunteer counselors to assist Medicare beneficiaries with enrollment in Medicare Part D plans pursuant to the Federal Medicare Prescription Drug, Improvement and Modernization Act of 2008 shall file with the Insurance Commissioner the following supporting documentation prior to conducting enrollment assistance activity:

(1) The name, address and other pertinent contact information for the partner organization along with a list of persons acting as volunteer counselors who intend to assist in the enrollment of Medicare beneficiaries in Medicare Part D;

(2) A description of the training received by each volunteer counselor named in the list required by paragraph (1) of this subsection;

(3) A statement signed by each volunteer counselor named in the list required by paragraph (1) of this subsection stating:

(A) My name is [insert name of volunteer counselor] and my personal address is [insert personal address];

(B) I have received and read the Medicare Part D Prescription Drug Plan training materials provided by [insert partner organization name];

(C) I have not received and will not accept commissions or other valuable consideration from any person or plan for the enrollment assistance provided by me to Medicare beneficiaries;

(D) I will not disclose or use confidential information obtained as a result of my association with, or access to, any person with Medicare for any other purpose not directly required by CMS and the Oklahoma Insurance Department;

(E) I understand and acknowledge that the exemption from the licensure requirements of the Oklahoma Producer Licensing Act of the Oklahoma Insurance Code is strictly limited to my service as a volunteer counselor assisting in the enrollment of Medicare beneficiaries in Medicare Part D Prescription Drug Plans; and

(4) Any other information the Insurance Commissioner may request from a partner organization or volunteer counselor to assist in the verification of compliance with the requirements of Section 1435.5(B)(8) of Title 36 of the Oklahoma statutes.

(b) The Insurance Commissioner may order a volunteer counselor, after notice and opportunity for hearing, to cease the assistance of Medicare beneficiaries with enrollment in Medicare Part D plans for failure to comply with the requirements of Section 1435.5(B)(8) of Title 36 and this section. Issuance of this order shall not limit the Insurance Commissioner from taking other administrative action as authorized by the Oklahoma Insurance Code and the laws of this state.