



KIM HOLLAND

OKLAHOMA INSURANCE COMMISSIONER
P.O. BOX 53408, OKLAHOMA CITY, OK 73152
(405) 521-2828 www.oid.ok.gov

Attention All Producers Soliciting Medicare Advantage and Medicare Part-D Insurance Products

Recently, The Oklahoma Insurance Department has received allegations of conduct that, if true, would constitute violations of CMS's Medicare Marketing rules. Specific conduct currently being reported is related to:

- Wrongfully accepting applications prior to the Initial Enrollment Period for Individuals Turning Age 65. The enrollment period for these individuals is limited to the 7-month period that includes the 3 months before a person's 65th birthday, the month they turn age 65, and the 3 months after that birthday. Accepting a signed application prior to the three month stated period before the individual turns 65 is a direct violation of CMS marketing guidelines.
- Conducting door-to-door sales calls, cold calling and/or sending unsolicited e-mails. Performing such acts are direct violations of CMS marketing rules. 42 CFR §§ 422.2268(d) and 423.2268(d) -- CMS 4131-F
- CMS marketing rules contain very specific scope of appointment rules. At the appointment, a producer may not try to sell other types of insurance coverage than the type(s) agreed upon in advance. 42 CFR § 422.2268(g) and (h); 423.2268(g) and (h) -- CMS 4138-IFC
- Producers may not state they "work for" or "represent" Medicare or engage in activities that could mislead or confuse Medicare beneficiaries. 42 CFR § 422.2268 (e)
- Producers may not try to sell products that are not related to healthcare (like a life insurance policy or an annuity) during a sales or marketing presentation of a Medicare prescription drug or Medicare Advantage plan. 42 CFR §§ 422.2268 (f) and 423.2268(f) - - CMS 4131-F

The Oklahoma Insurance Department works closely with CMS to police violations of Medicare's marketing rules. Violation of the marketing rules will warrant a disciplinary action against the producer by the Oklahoma Insurance Department.