



CMS Marketing & Sales Regulations for Brokers

Effective 10/1/2008



HealthPartners

- Our mission is to improve the health of our members, our patients and the community.
- For more than 50 years, we have been a leader in healthcare as the only non-profit, consumer-governed healthcare organization in the nation.
- We take pride in the quality of products and services offered to our members and the community. As a broker who sells our products, we expect that you will represent us with the same pride.

Brokers must be in compliance with the regulations described in this document before they can sell HealthPartners Medicare products. Non-compliance will be considered a violation of the broker's contract with HealthPartners.

Certification

To sell HealthPartners Medicare products during the 2009 Medicare Annual Enrollment Period or at any other point in 2009, brokers must:

- Complete and pass the AHIP Medicare Certification course with 90% or higher
- Complete and pass the HealthPartners Product course
- Sign the HealthPartners Medicare Compliance Statement

More information is available on the Broker Portal of **healthpartners.com**

Medicare Improvements for Patients and Providers Act (MIPPA)

- Congress passed MIPPA in July
- CMS provided regulations and guidance in late September and early October
- Resulting in rules overseeing marketing and sales of Medicare products, including through independent agents.



New Rules

- The new rules are grouped in these categories:
 - Unsolicited Contact
 - Appointment Scope
 - Cross Selling
 - Sales Activities
 - Educational Events
 - Meals

Complete details are available through the Broker Portal at healthpartners.com.

New CMS Regulations: Unsolicited Contact

- Brokers are prohibited from interacting with beneficiaries unless contact was initiated by the beneficiary. Brokers cannot engage in unsolicited contact, including:
 - Door to door sales (includes leaving flyers).
 - Outbound telemarketing.
 - Presenting or distributing literature and/or accepting plan applications in provider offices, at pharmacy counters or any other area where healthcare is conducted.
 - Other unsolicited contact of any kind.

New CMS Regulations: Appointment Scope

- Before meeting with any beneficiary, brokers must obtain advance consent for the meeting and the scope of products to be discussed at the meeting.
 - Consent can be in writing or recorded.
 - Source document or recording must be maintained by broker for at least 10 years.
 - Consent is for single appointment - not on-going consent to call or meet in the future.
 - Outbound call backs are limited to the scope of the agreed upon meeting.
 - Brokers can make routine calls to active members they enrolled in a Medicare plan if they are still enrolled in that plan.

New CMS Regulations: Cross Selling

- During sales appointments, scope of interaction must be limited to the previously-agreed upon products.
 - If beneficiary wants to discuss other products, broker must get consent for a separate, second meeting.
 - Second meeting must be at least 48 hours after the initial meeting.
- Brokers cannot market non-health related products (i.e. life insurance) to beneficiaries during Medicare or Part D sales activities.

New CMS Regulations: Sales Activities

- Marketing and sales activities are prohibited in areas where patients receive healthcare services, including:
 - Clinic and hospital waiting rooms
 - Clinic exam rooms
 - Hospital patient rooms
 - Dialysis centers
 - Pharmacy counters
- Acceptable areas include cafeterias, community or recreation rooms, conference rooms and areas outside pharmacy counter areas in retail stores.

New CMS Regulations: Educational Events

- Brokers attending educational events cannot engage in sales activities and cannot use sales materials.
 - No sales activities whatsoever.
 - No distribution or acceptance of enrollment forms.
 - No distribution of materials which describe plan benefits or rates.
 - Business cards can be distributed only at beneficiaries' request (may not be displayed on table).
 - Educational events include health fairs, conferences, expos, and state or community-sponsored events.

New CMS Regulations: Educational Events

- Organizations sponsoring educational events must identify them as such and include a disclaimer that plan information will not be available.
- Educational events are NOT the same as sales events. Sales events are sponsored by a plan or another group to market to potential members or attempt to steer potential members toward a specific plan.
 - If you have any questions about HealthPartners events, please contact us to find out if they are educational or sales events.

New CMS Regulations:

Meals

- Meals cannot be provided or subsidized for beneficiaries at any event or meeting where plan benefits are being discussed and/or plan materials are being handed out.
- Prohibition includes meal-related gift cards, grocery cards, offers and coupons.
- Refreshments and light snacks are allowed, including fruit, raw vegetables, pastries, cookies, crackers, muffins, cheese, chips, yogurt or nuts.
 - Limited to three or fewer of these items served with a beverage at one time.

Thank you for being a HealthPartners Medicare Broker!

- Thank you for working with us to assure compliance during the 2009 plan year.
- We look forward to working with you to during this selling season.
- We will continue to provide regular Broker Flash updates on issues of importance to you.
- Contact us with questions about these regulations or anything else related to HealthPartners products or business practices.

Resources

- Contact information:
 - Jared Moen, Account Executive, Medicare & Individual Sales at 952-883-7478 or jared.a.moen@healthpartners.com
 - Sara Wagner, Manager, Medicare & Individual Sales at 952-883-7412 or sara.j.wagner@healthpartners.com
- Compliance, product and other sales information is available on the broker portal at **healthpartners.com** and is updated regularly.
- Order plan materials by calling 952-883-5601 or 1-800-247-7015 between 8 a.m. and 6 p.m.