

HealthPartners 2010 Medicare Compliance Agreement for HealthPartners Brokers

HealthPartners takes pride in the quality of products and services offered to our customers. Brokers/Agents who sell HealthPartners Medicare Products (hereafter “Brokers”), are expected to treat the customer with courtesy and respect at all times. Brokers are to avoid high pressure sales tactics and provide full disclosure to all Medicare beneficiaries in presenting HealthPartners Medicare Products.

There are regulations governing the sale of Medicare products. You will be informed of these regulations when you take the AHIP Medicare Compliance Training Program (which is required prior to selling HealthPartners Medicare Products) and are agreeing to abide by these regulations when you sign the following documents:

1. HealthPartners Medicare Sales and Marketing Code of Ethics
2. HealthPartners Medicare Sales and Marketing Practices Statement

After you have completed both parts of the Medicare Compliance Agreement, fax or mail the signed agreement to the fax number and address listed at the end of this document.

HEALTHPARTNERS MEDICARE SALES AND MARKETING CODE OF ETHICS

As a HealthPartners Broker you will be expected to follow all of the Sales and Marketing regulations required by the Centers for Medicare and Medicaid Services (CMS) as well as HealthPartners policies. Violation of any of these regulations or policies may result in the termination of your appointment with HealthPartners and/or possible reporting to State and Federal regulatory authorities.

MEDICARE SALES AND MARKETING PRACTICES STATEMENT

By signing the Medicare Sales and Marketing Practices Statement, the Broker agrees to comply with regulations pertaining to:

- Prohibition of gifts or payments to induce enrollment
- Use of only approved marketing literature
- Telephonic communication
- Scope of appointment

HEALTHPARTNERS MEDICARE SALES AND MARKETING CODE OF ETHICS

As a leader in the health care field, HealthPartners is committed to supporting our members in their effort to improve their health. Our company's continued growth and leadership depend upon the integrity of all persons representing us. Each Broker must subscribe to the following Code of Ethics and all the CMS laws and regulations, state and federal laws and regulations and HealthPartners policies as an expression of personal commitment to honest marketing practices. Furthermore each Broker recognizes that any violation of this code may subject him/her to immediate termination of their HealthPartners Broker Appointment and/or possible legal action as specified in CMS regulations and/or State and Federal laws and regulations.

INITIAL EACH ITEM BELOW

- _____ 1. Brokers must conduct themselves with courtesy, professionalism and with respect for the rights and reasonable requests of prospective Medicare beneficiaries at all times.

- _____ 2. Brokers will assure, to the best of their ability that the prospective Medicare beneficiary is of sound mind and is capable of thoroughly understanding the plan. If, at any time, they doubt the prospective Medicare beneficiary's mental capability to understand, they will discontinue the enrollment until such time as they can meet with someone with appropriate legal authority to enroll the prospective Medicare eligible beneficiary.

- _____ 3. Brokers will document that, prior to making an appointment, the beneficiary agrees to the scope of products to be discussed. In the event appointments are scheduled with a beneficiary in person or at a sales presentation, the agent must obtain written documentation that is signed by the beneficiary or legal representative agreeing to the products that will be discussed during the appointment. Appointments that are made over the phone must be recorded in order to provide documentation. Phone recordings must be maintained for a period of 10 years.

Brokers must forward copies of prior written documentation from the beneficiary requesting the home visit with the submitted application or, upon HealthPartners' request, copies of the phone recording. If broker does not have phone recording capabilities, broker will place a conference call to HealthPartners with beneficiary to record conversation.

- _____ 4. At the meeting or on the phone, additional products may not be discussed unless the individual requests the information. In addition, any products not initially identified as part of the meeting scope may not be addressed during an in-home visit. If other products need to be discussed at the request of the beneficiary, a second Scope of Appointment form must be completed for the new product type and then the marketing appointment may be continued.

- _____ 5. During the initial steps of a presentation, Brokers will disclose their name,

HealthPartners, and the purpose of their visit. They will make no claim other than to explain the appropriate plan, its benefits and limitations, and how to enroll. Misrepresentation of the purpose of the presentation is strictly prohibited. Cross selling (life insurance, annuities, etc.) is prohibited.

- _____ 6. All applications, with which a broker provides assistance to the prospective member, will be faxed and/or hand-delivered to HealthPartners within 24 hours of broker's receipt of the application.
- _____ 7. Brokers will sign and date all applications, in which a broker provides assistance to the prospective member completing the application.
- _____ 8. Brokers will base their presentations on the merit and quality of the respective plans and will not disparage competitors or their plans.
- _____ 9. Brokers will receive prior approval from HealthPartners and provide detailed information (including date, time, location, and presenter name) about any advertised sales presentation Broker has scheduled to promote HealthPartners Medicare plans. HealthPartners must receive this information by the 15th of the month prior to date of the event.
- _____ 10. Brokers will use only HealthPartners and CMS approved materials. Materials must be used as provided.
- _____ 11. Brokers may indicate that HealthPartners plans meet criteria specified by government agencies. They must not imply that their visit is in any way connected with the government or approved by a particular government agency or official, or portray themselves as a representative of any government agency.
- _____ 12. Brokers must make only company approved claims and shall use no forms of pressure, coercion, deception, sympathy, appeal, or other unethical sales tactics in their presentation.
- _____ 13. Brokers must always give clear thorough and accurate information regarding HealthPartners products. They will avoid the use of false, misleading, or exaggerated statements.
- _____ 14. Brokers may not canvass door to door or send unsolicited e-mails. This is a violation of federal regulation.
- _____ 15. Brokers will not "cold call" to solicit HealthPartners Medicare business.
- _____ 16. Brokers must also agree to abide by the National-Do-Not-Call Registry and honor "do not call again requests."
- _____ 17. Brokers must not call a beneficiary to follow up on materials unless expressly given permission.

- _____ 18. Brokers must also agree to honor “do not e-mail again requests” and “do not mail again requests.”
- _____ 19. Brokers must disclose to the Medicare beneficiary that the Broker is either employed or contracted by HealthPartners and may be compensated based on the enrollment in a plan.
- _____ 20. Brokers are responsible to ensure that all information on the enrollment application is complete, accurate, and legible.
- _____ 21. Brokers must not forge or knowingly accept a forged signature on enrollment forms.
- _____ 22. Brokers must not accept gifts or accept additional financial incentives, or otherwise allow themselves to be influenced or coerced in any way in the conduct of their business.
- _____ 23. Brokers must observe the company’s policy of non-discrimination by reason of race, health status, creed, color, sex, age, or national origin except as provided by the Federal Register and/or CMS guidelines.

I, _____, have read the HealthPartners

 (Print Full Name)
 Medicare Sales and Marketing Code of Ethics and commit to abide by it.

 Broker Signature

 Manager, HP Medicare Sales Signature

Date: _____

Date: _____

HEALTHPARTNERS MEDICARE SALES AND MARKETING PRACTICES STATEMENT

INITIAL EACH ITEM BELOW

My signature at the bottom of this form indicates that I am aware of the following policies and agree to comply with them:

GIFTS OR PAYMENTS TO INDUCE ENROLLMENT

- _____ 1. I understand that no Broker may either give or offer a gift or payment of any kind to a prospective Medicare beneficiary as an inducement to enroll in any of HealthPartners Products. To do so may result in immediate termination of my Broker Agreement. I am aware that an offer of a rebate in any form is strictly prohibited. Additionally, I understand that raffles, door prizes, etc., to be given away at professional seminars, health fairs, seniors' gatherings, and the like, are allowed only with the prior approval of HealthPartners Medicare sales management, and must be of nominal value, defined by CMS as \$15 retail or less. Cash gifts including charitable contributions are prohibited. Names collected for a raffle must be randomly drawn and winners are **not** dependent upon enrollment in a plan or agreement to a presentation of the plan.

MEDICARE MARKETING LITERATURE / MEMBER COMMUNICATIONS

- _____ 2. I understand that all Medicare marketing / member communication literature must be approved by the HealthPartners Medicare sales management, CMS and, as appropriate, the Minnesota Department of Commerce (DOC) and/or Minnesota Department of Health (DOH) in advance of its use by any Broker to promote the sale of HealthPartners products or communicate with existing members. I further understand that any type of material that can be construed as marketing or advertising literature must be approved by CMS, and, as appropriate, the DOC and/or DOH before it may be used by anyone to advertise or otherwise promote HealthPartners Medicare products.
- _____ 3. I understand that all Brokers, including those not directly involved in the sale of the Medicare Products, must abide by this requirement.
- _____ 4. I understand that I cannot receive HealthPartners Medicare product enrollment applications from prospective members who are exercising their Annual Election Period (November 15 – December 31 for a January 1 effective date) until on or after November 15.
- _____ 5. Marketing literature / member communication includes any material prepared for media exposure (TV, radio, newspaper, magazine, etc.) as well as any brochures, letters, mailers, handouts, posters, sales kit material, door knob hangers, fliers, referral questionnaires, yellow page advertisements, flip-charts, greeting cards, and website information, etc., to be used for either prospect gathering or enrollment purposes, or member communication.

TELEMARKETING BY MEDICARE BROKERS

- _____ 6. I understand that no Broker is to engage in “cold calling” prospective Medicare beneficiaries.

- _____ 7. I understand that no broker is allowed to conduct the following prohibited activities which include, but are not limited to, the following:
 - a. Outbound marketing calls, unless the beneficiary requested the call. This includes contacting existing members to market other Medicare products.
 - b. Calls to former members who have disenrolled or to current members that are in the process of disenrolling, to market plans or products
 - c. Calls to beneficiaries to confirm receipt of information.
 - d. Approaching beneficiaries in common areas (i.e. parking lots, hallways, lobbies, etc.)
 - e. Calls or visits to beneficiaries who attended a sales event unless the beneficiary gave express written permission at the event for a follow up call or visit.

- _____ 8. No Broker is permitted to purchase or use a list of prospective Medicare beneficiaries for telemarketing in any Medicare market.

- _____ 9. Sales of HealthPartners Medicare products are subject to CMS’ scope of appointment guidance, even if conducted during a sales appointment for a Medigap policy.

- _____ 10. No Broker will engage in steering any prospective Medicare beneficiaries to or away from any of our Family of Products due to health reasons and/or corporate profitability.

I understand that a violation of any part of this policy is a violation that may result in the termination of my HealthPartners Broker appointment.

I, _____, have read and understand
(Print Full Name)

the above practices and agree to abide by them. Violation of any part of these policies may be cause for immediate termination of my HealthPartners Broker Appointment. In addition, this appointment termination must now be reported to the State of Minnesota and/or State of Wisconsin.

Broker Signature

Manager, HP Medicare Sales Signature

Date: _____

Date: _____