SHIP State Health Insurance Assistance Program

SMP Senior Medicare Patrol

Protecting Yourself from Misleading Marketing & Marketing Violations

Health insurance companies try to reach people in various ways, like television commercials, radio ads, events, mailings, phone calls, and texts. The Centers for Medicare & Medicaid Services (CMS) has rules for marketing Medicare Advantage plans and Part D plans, though. These rules protect Medicare beneficiaries from aggressive or misleading marketing.

Watch out for people who:

Ask for your Medicare number, Social Security number, or bank information, especially before you decide to enroll. Someone can use this information to enroll you in a plan without your permission.

Say they represent Medicare. Plans are never allowed to state they represent or are endorsed by Medicare or any other government agency. They cannot use the Medicare name or logo on their marketing materials in a way that implies this.

Send you unsolicited text messages or phone calls.

Pressure you to enroll in their plan. You can use the entire Open Enrollment Period to make your decisions. You will not receive extra benefits for signing up early.

Offer you gifts to enroll in their plan. Gifts must be given to everyone at an event regardless of their enrollment choice, and cannot be worth more than $15.

NEW! Plans must provide you with the option to opt out of communications about Medicare products. It must be done annually and in writing. Also, before enrolling you, plan representatives must explain the plan's effect on your current coverage. For example, if you have a Medigap, a plan representative must explain how you will lose that Medigap if you enroll in Medicare Advantage.

Tips for avoiding unwanted enrollment: Never provide your Medicare information to anyone but your trusted health care providers. Confirm everything that a plan agent tells you before making a final decision about a plan. Ask for everything in writing. Call your doctors to make sure they are in network for the plan you want to join. You can also call your local SHIP for unbiased answers to coverage questions.

Plans can	Plans cannot
✓ Send you mail ✓ Have educational exhibits at public events ✓ Call or email you about other health plans and products, as long as you are already a plan member and haven't asked them not to call or email ✓ Schedule an appointment to discuss plan options with you, but: • Before the appointment, you must formally decide which topics will be discussed • The appointment must occur 48 hours or more after it is scheduled (unless you walk into their office or it's the very end of the Open Enrollment Period) • The plan agent must stick to the topics you have agreed on in advance • The plan agent may not use your appointment or the time before or after to market or sell plans to other people in your building or neighborhood	✗ Call, send text messages, or leave voicemail messages, unless you are already a plan member or you gave the plan permission ✗ Email you or call you (even if you are a plan member) if you opt out of this communication ✗ Ask for your personal information or try to sell you a plan at an educational exhibit ✗ Approach you in public areas, such as a parking lot, hallways, or sidewalks ✗ Give you prizes or gifts worth over $15 • Cannot be in the form of cash • Cannot require enrollment or an appointment to get the gift ✗ Conduct promotional activities worth over $15 per expected event attendee. (For example, a raffle prize at an event for 10 people must be valued at or below $150.) ✗ Provide full meals at sales/marketing events

Report potential marketing violations to **your Senior Medicare Patrol (SMP), toll-free at 1-877-808-2468, or State Health Insurance Assistance Program (SHIP), toll-free at 1-877-839-2675.**

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