



Remember . . .

According to federal law, agents and brokers that sell Medicare Advantage plans must enroll a Medicare beneficiary based on what best meets the beneficiary's health care needs—not on what will earn the agent/broker the highest commission.

Source: CMS Manual System
Pub. 100-16 Medicare Managed Care
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Medicare Advantage Marketing: What Sales Agents Cannot Do



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What are Medicare Advantage Plans?

Medicare Advantage plans are health plan options that are approved by Medicare but are run by private companies that are plan sponsors. These plans sometimes are called “Part C” or “MA” plans.

How Do Medicare Advantage Plans Work?

Medicare-covered services are provided through the MA plan. MA plans may include prescription drug coverage. The plan may require you to use only those doctors and hospitals in the plan's network.

The MA plan may not be free. The plan may have a monthly premium for extra benefits. And, even if the MA plan does not have a monthly premium, you still may have to pay the Medicare Part B premium and the deductibles and copayments the plan might have.

Be sure you understand how the Medicare Advantage plan works before you join.

What are the Types of Medicare Advantage Plans?

- **Health Maintenance Organization (HMO) plans:** You must use only doctors, specialists or hospitals in the plan's network.
- **Preferred Provider Organization (PPO) plans:** Going to a provider in the plan's network will usually cost you less than going to a provider not in the network.
- **Private Fee-for-Service (PFFS) plans:** You may go to any provider that accepts the plan's terms. However, providers can decide on a case-by-case basis whether to accept the PFFS plan and treat you.
- **Special Needs Plans (SNP):** Are limited to specific groups of people—those in nursing homes, those eligible for both Medicare and Medicaid, or those with certain chronic conditions.
- **Medical Savings Account (MSA) plans** have two parts: 1) a MA plan with a high deductible and 2) a Medical Savings Account.

Protect Yourself Against Medicare Advantage Marketing Abuses

Inaccurate. Incomplete. Confusing. Misleading. High pressure.

This is how Medicare beneficiaries described some of their encounters with sales agents selling Medicare Advantage health and prescription drug plans. These complaints led the Centers for Medicare & Medicaid Services (CMS) to tighten federal regulations on Medicare Advantage marketing activities.



SMP Hawaii, a health care fraud prevention program under the U.S. Administration on Aging, wrote this brochure to alert you to some of the activities that sales agents cannot do.

This information will help you choose the Medicare plan that best meets your health needs without being manipulated by inappropriate sales tactics that agents and brokers sometimes use.



Sales agents **CANNOT** contact you through door-to-door visits, telephone calls, or emails or approach you in parking lots, lobbies, hallways, etc. if you did not agree to receive the contact.

TIP: You can say, “I’m not interested”; then shut the door, hang up, or walk away. You do not have to talk to them.

Sales agents **CANNOT** try to sell you other products (like life insurance, long-term care, or annuity plans) if you agreed in advance to talk about only Medicare Advantage plans.



TIP: Do not feel pressured into buying a plan you do not need, do not want, or do not understand. Be firm. Thank the agent for the information; tell agent you are ending the appointment; then open the door for the agent to leave. If away from home, stand up and walk away.

Sales agents **CANNOT** go into a senior housing complex to talk about Original Medicare but switch to talking about Medicare Advantage plans.

Sales agents **CANNOT** offer you free meals at marketing/sales events whether at a restaurant, senior center, or other location.

Light refreshments are allowed. Meals are allowed only at educational events where agents cannot promote, sell, or enroll.

Sales agents **CANNOT** offer you gifts or other promotional items valued at more than \$15 during marketing/sales events. Agents must offer the items to everyone present, even if you don’t enroll in a plan.



Sales agents at health fairs **CANNOT** start a sales talk with you. They only can answer questions you ask them first.

Sales agents **CANNOT** enroll you by telephone unless you make the call. Agents cannot ask you for your credit card number or bank account information during a telephone call to enroll or for any other purpose.

Sales agents **CANNOT** discriminate against you based on your race, ethnicity, religion, gender, sexual orientation, disability, health status, or geographic location.

TIP: Ask the plan for marketing materials that you can understand if you have a disability or if you are non-English speaking and your language is the primary language of more than 10% of the plan sponsor’s service area.



If you have concerns about the actions of a Medicare Advantage sales agent, make a report to any of the following organizations:

- SMP Hawaii at 586-7281 or toll free at 1-800-296-9422
- Insurance Division, State Department of Commerce and Consumer Affairs, at (808) 586-2790. Ask for a complaint form or go to their web site at <http://hawaii.gov/dcca/ins/consumer/>.
- Centers for Medicare & Medicaid Services at 1-800-MEDICARE (1-800-633-4227) or 1-877-486-2048 for TTY users
- Hawaii’s BBB at 536-6956 or 1-877-222-6551 toll free or go to www.Hawaii.bbb.org.
- Medicare Advantage Plan: Contact information for Medicare Advantage plans is in the *Medicare & You* handbook from CMS.