

2024 Medicare Compliance: Events Quick Reference Guide

Executing compliant events to inform consumers about Medicare is an important part of our business. We have a responsibility to conduct these events with ethics and compliance in mind. This document is thorough and will aid in your ability to deliver a compliant event, it is not intended to be comprehensive.

| | Formal Sales | Informal Sales | Educational |
|---|--|--|---|
| Purpose | Intended to influence or attempt to influence current or potential members towards a plan or set of plans. | Intended to attract potential members and allow licensed agents to conduct marketing activities upon the consumer’s request. | Designed to inform Medicare beneficiaries about Medicare Advantage, Prescription Drug or other Medicare programs. |
| Practical Examples | Delivering a CMS approved sales presentation. | Information tables or conducting informational presentation on Medicare or other wellness related topics. | Delivering educational presentation on Medicare, such as a Medicare 101. |
| Presentation | Must use presentation and talking points that have been approved by CMS. | No presentation is necessary, but if delivered it should be informational by nature and not include specific plan information. | Presentation must be educational about a Medicare related topic and not include any benefit information, nor attempt to steer consumer towards a specific plan or set of plans. |
| Advertising Approved CMS guidelines must be followed, and disclaimer must be used | Outside of the Annual Enrollment Period, must target those who would have Special Enrollment Periods. | Many times, there is no advertising for this type of event. If advertising is used, must be advertised as information not “educational”. Interaction must be initiated by consumer | Must be explicitly advertised as “educational”. |

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| Location | Must be held in public locations. Sales events and activities can not be conducted in the immediate location where care is given (ex. patient rooms, pharmacy counters, any treatment area). | | |
| Materials | Both marketing and communication materials can be used. | Communication materials may be readily provided, when consumer initiates interaction. | May only provide communication materials. |
| Marketing materials are any materials that include benefit information and are intended to influence the consumer’s decision towards a plan or set of plans. | Benefits at a Glance (BaaG) or enrollment kit should be provided. | Marketing materials may only be provided upon request. | Marketing materials are not permitted at these events. |
| Communication materials inform consumers on Medicare or other health and wellness topics. | | | |
| Guest Speaker | Only licensed agents are permitted to present. | Permitted | Permitted |
| Nominal Gifts and Meals | Gifts must be limited to: <ul style="list-style-type: none"> • \$15 per person • \$15 per estimated number of attendees, for group experiences and raffles • Not be easily converted to cash • Not be a meal or food that could be bundled into a meal* • Be provided regardless of decision to enroll • If gift is raffled, information collected may only be used for the purposes of the raffle • Gifts to a single consumer over multiple events can not surpass \$75 per year | | *Meals are ONLY permitted to be provided at Educational Events. |
| Business Reply Card (Consent to Contact), Business Cards and Scope of Appointment | Can be provided directly to the consumer. | Can be provided directly to the consumer upon their request. | Can distribute business reply cards but cannot make appointments or distribute scope-of-appointment forms at educational events. |

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| Addressing Questions | Can provide plan related information to attendee, regardless whether question has been asked. | Can provide plan related information or answer questions after consumer initiates interaction | Can only answer plan related questions if explicitly asked by consumer. Must not expand beyond consumer’s direct question. |
| Documenting Event | Must be documented as a “Formal Sales Event” | Must be documented as a “Informal Sales Event” | Must be documented as a “Educational Event” |
| Sign-in Sheets | Can be used but must be clearly marked as optional. | | |
| Secret Shoppers | May be present at any event. | | |
| Accepting Referrals | Not permitted at any type of event. May provide business card or business reply card for consumer to provide to the referral. | | |
| Follow-up Activities | <p>Agent can initiate follow-up only when the consumer:</p> <ul style="list-style-type: none"> • Fills out consent to contact • Has a completed Scope of Appointment • Enrolls | <p>A Formal Sales or Informal Sales Event cannot occur within 12 hours of an Educational Event at the same location.</p> <p>Attendees of the first event may be invited to attend the second event. Both events must be documented (see above).</p> | |

Questions? Contact Gold BAR (Broker Assist & Resource)

Brokers@GoldKidney.com or 1-480-870-7007



Scan or Click the QR code to view the CMS Medicare Marketing Guidelines



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