

# 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                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Purpose</b>                                                                                  | 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.                                                               |
| <b>Practical Examples</b>                                                                       | 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.                                                                                                        |
| <b>Presentation</b>                                                                             | 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. |
| <b>Advertising</b><br><br>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".<br><br><b>Interaction must be initiated by consumer</b> | Must be explicitly advertised as "educational".                                                                                                                                 |

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|                                                                                                                                                                                                                                                                                                     | Formal Sales                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Informal Sales                                                                                                                                      | Educational                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| <b>Location</b>                                                                                                                                                                                                                                                                                     | 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).                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                     |                                                                                                                                  |
| <b>Materials</b><br><br><b>Marketing materials</b> are any materials that include benefit information and are intended to influence the consumer's decision towards a plan or set of plans.<br><br><b>Communication materials</b> inform consumers on Medicare or other health and wellness topics. | Both marketing and communication materials can be used.<br><br>Benefits at a Glance (BaaG) or enrollment kit should be provided.                                                                                                                                                                                                                                                                                                                                                                                                                        | Communication materials may be readily provided, when consumer initiates interaction.<br><br>Marketing materials may only be provided upon request. | May only provide communication materials.<br><br><b>Marketing materials are not permitted at these events.</b>                   |
| <b>Guest Speaker</b>                                                                                                                                                                                                                                                                                | Only licensed agents are permitted to present.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Permitted                                                                                                                                           | Permitted                                                                                                                        |
| <b>Nominal Gifts and Meals</b>                                                                                                                                                                                                                                                                      | Gifts must be limited to: <ul style="list-style-type: none"> <li>• \$15 per person</li> <li>• \$15 per estimated number of attendees, for group experiences and raffles</li> <li>• Not be easily converted to cash</li> <li>• Not be a meal or food that could be bundled into a meal*</li> <li>• Be provided regardless of decision to enroll</li> <li>• If gift is raffled, information collected may only be used for the purposes of the raffle</li> <li>• Gifts to a single consumer over multiple events can not surpass \$75 per year</li> </ul> |                                                                                                                                                     | *Meals are ONLY permitted to be provided at Educational Events.                                                                  |
| <b>Business Reply Card (Consent to Contact), Business Cards and Scope of Appointment</b>                                                                                                                                                                                                            | 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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|                             | Formal Sales                                                                                                                                                                                                    | Informal Sales                                                                                                                                                                                                                                      | Educational                                                                                                                |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| <b>Addressing Questions</b> | 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. |
| <b>Documenting Event</b>    | Must be documented as a "Formal Sales Event"                                                                                                                                                                    | Must be documented as a "Informal Sales Event"                                                                                                                                                                                                      | Must be documented as a "Educational Event"                                                                                |
| <b>Sign-in Sheets</b>       | Can be used but must be clearly marked as optional.                                                                                                                                                             |                                                                                                                                                                                                                                                     |                                                                                                                            |
| <b>Secret Shoppers</b>      | May be present at any event.                                                                                                                                                                                    |                                                                                                                                                                                                                                                     |                                                                                                                            |
| <b>Accepting Referrals</b>  | Not permitted at any type of event. May provide business card or business reply card for consumer to provide to the referral.                                                                                   |                                                                                                                                                                                                                                                     |                                                                                                                            |
| <b>Follow-up Activities</b> | <p>Agent can initiate follow-up only when the consumer:</p> <ul style="list-style-type: none"> <li>• Fills out consent to contact</li> <li>• Has a completed Scope of Appointment</li> <li>• Enrolls</li> </ul> | <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 B.A.R. (Broker Assist & Resource)

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



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