

# Marketing Guidelines Associated with the Sale of Medicare Products

Governor John R. Kasich

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Lt. Governor/Director Mary Taylor

To ensure Medicare products are promoted in a fair and consistent manner, the Ohio Department of Insurance has prepared this document to assist those selling Medicare products. The federal Centers for Medicare and Medicaid Services (CMS) has developed specific marketing guidelines to be followed. In addition, those selling Medicare products are expected to meet certain Ohio requirements. If you have any questions about Medicare marketing requirements, please call the Department at 1-800-686-1527.

## Under Federal Guidelines, those selling Medicare products CAN:

- Distribute health care brochures, reply cards and application forms in a retail setting or while participating at a health fair or promotional event.
- Travel and meet with a Medicare beneficiary at their residence, if the beneficiary has extended an invitation to the agent.
- Offer gifts to potential enrollees if they attend a marketing presentation if the gifts are of nominal value and are provided whether or not the individual enrolls in the plan.

## Under Federal and State Guidelines, agents CANNOT:

- Engage in high-pressure sales tactics.
- Solicit Medicare beneficiaries door-to-door or enroll beneficiaries at a health fair or promotional event.
- Offer a gift or inducement in exchange for the placement/sale of a policy.
- Speak negatively of a comparative Medicare product.
- Violate federal and state calling hours or the FTC Telemarketing Sales Rules/National Do-Not-Call Registry.
- Make any statement that is untrue, deceptive or misleading.
- Use fraudulent, coercive or dishonest practices.
- Make any misrepresentation or incomplete comparison for the purpose of inducing a person to purchase or change insurance.
- Misrepresent the terms, benefits, value, cost or effective dates of an actual or proposed insurance contract or application for insurance.
- Transfer or place insurance with an insurer other than the insurer expressly chosen by the applicant or policy holder.

## OHIO LAW AND DEPARTMENT ENFORCEMENT

As a consumer protection agency, the enforcement division of the Ohio Department of Insurance will actively investigate all alleged violations of misconduct. An agent who breaks Ohio law may face a fine, suspension, or revocation of their license. Agents should take the time to familiarize themselves with the following sections of the Ohio Revised Code and Ohio Administrative Code:

- Unfair and Deceptive Practices - ORC 3901.19 to 3901.221
- Grounds for Disciplinary Action - ORC 3905.14
- Medicare Supplement - OAC 3901-01-41

Agents are encouraged to contact the Department at 1-800-686-1527 with any questions about the sale of Medicare products.