

PROHIBITED AGENT/BROKER BEHAVIOR	APPROPRIATE AGENT/BROKER BEHAVIOR
Can't state that they are from Medicare or use "Medicare" in a misleading manner. For example, they can't state that they are endorsed by Medicare, are calling on behalf of Medicare, or that Medicare asked them to call or see the beneficiary	May call someone with Medicare who has expressly given permission. The permission applies only to the plan or agent/broker the person that requested contact from, for the duration of that transaction, and for the scope of products
Can't solicit potential enrollees door-to-door	Can call their own clients to discuss new plan options
Can't send unwanted emails, text messages, or leave voicemails	May call or visit someone with Medicare who attended a sales event if the person gave permission
Can't approach people with Medicare in common areas (i.e. parking lots, hallways, lobbies, sidewalks)	May initiate a phone call to confirm an appointment. Scope of the appointment may be changed with appropriate documentation
Can't conduct sales activities in healthcare settings except in common areas. Improper areas include waiting rooms, exam rooms, hospital patient rooms, dialysis centers and pharmacy counter areas	Can conduct sales activities in common areas of healthcare settings. Appropriate common areas include hospital or nursing home cafeterias, community or recreational rooms, and conference rooms
Can't make unwanted calls, including contacting people with Medicare under the guise of selling a non-Medicare Advantage (MA) or non-Prescription Drug Plan (PDP) product and allow the conversation to turn to MA or PDP. For example, an agent/broker can't begin by selling a Medicare Supplement plan and then turn the conversation to MA or PDP products	Must secure a signed "scope of appointment", prior to the appointment. For example, provided that the person has completed the scope of appointment form following a marketing/sales event, the future appointment may take place immediately after marketing/sales meeting
Can't provide meals to potential enrollees at sales presentation	May provide refreshments and light snacks to potential enrollees at sales presentations
Can't conduct marketing or sales activities at an educational event (such as discuss plan benefits)	May schedule appointments with people who live in long term care facilities only <b>upon request</b>
Can't market non-health related products (such as annuities and life insurance) to potential enrollees during MA or PDP sales activities or presentations	May leave cards behind for clients to give to their friend or family. The "referred" person has to contact the agent/broker directly
Can't offer gifts to potential enrollees of more than \$15. If a gift is offered it must be made available to all potential enrollees even if they do not enroll in a plan	May make sales presentations to groups of people without documenting scope of appointment with each individual since such documentation is only required for personal/individual sales events

**To report concerns or specific complaints about possible inappropriate marketing practices, contact your State Health Insurance Assistance Program (SHIP). Call 1-800-MEDICARE or go to [www.medicare.gov](http://www.medicare.gov) to get the phone number for your local SHIP. You can also send an email with details to [surveillance@cms.hhs.gov](mailto:surveillance@cms.hhs.gov).**