

PROHIBITED AGENT/BROKER BEHAVIOR	APPROPRIATE AGENT/BROKER BEHAVIOR
Cannot state that they are from Medicare or use “Medicare” in a misleading manner. For example, they cannot 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 a beneficiary who has expressly given permission (e.g., submission of a business reply card or scope of appointment). The permission applies only to the plan or agent/broker the beneficiary requested contact from and specific to the product type(s) selected/requested.
Cannot solicit potential enrollees door-to-door or contact clients to discuss plan options outside of the current parent organization.	May call a beneficiary they enrolled in a plan to discuss plan business, as well as discuss the availability of other plan options/types within the same parent organization.
Cannot send unwanted emails, text messages, or leave voicemails.	May call or visit beneficiaries who attended a sales event if prior permission is given.
Cannot approach beneficiaries in common areas (i.e. parking lots, hallways, lobbies, sidewalks).	May initiate a phone call to confirm an appointment. The scope of the appointment may be changed with appropriate documentation.
Cannot 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.
Cannot make unwanted calls, including contacting beneficiaries 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 cannot 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, if the beneficiary has completed the scope of appointment form following a marketing/sales event, the future appointment may take place immediately after marketing/sales meeting.
Cannot provide meals to potential enrollees at sales presentation.	May provide refreshments and light snacks to potential enrollees at sales presentations
Cannot conduct marketing or sales activities at an educational event (this includes discussing plan benefits).	May schedule appointments with beneficiaries who live in long-term care facilities only upon request .
Cannot 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 initiate the contact with the agent/broker.
Cannot offer gifts to potential enrollees worth 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 beneficiaries without documenting a scope of appointment with each individual, since such documentation is only required for personal/individual sales events. Sign-in sheets are optional at sales presentations to groups.

To report concerns or specific complaints about possible inappropriate marketing practices, contact 1-800-MEDICARE. You can also send an email with details to marketing@cms.hhs.gov.