

# UPDATE: MIPPA Regulations

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## Sales/Marketing Events vs. Educational Events

A **sales event** is used to market to potential members and steer them toward specific plans. An **educational event** is specifically advertised or promoted as “educational” or would lead the attendees to believe that it is solely educational. But how do you determine whether your event is a sales event or an educational event? This issue will discuss the differences between the two types of events, what you can and cannot do, how you can determine the type of event, and how to market at other venues.

### Sales/Marketing Events

A sales event is sponsored by a plan or another entity to market and attempt to steer potential members toward a specific or limited number of plans. Any event that is not advertised as educational can be considered a sales event, including health fairs.

- If we are sponsoring the event, advertising materials must include all disclaimers required by CMS, including that “a sales representative will be present with information and applications.”
- An event sponsored by another organization is not required to include the disclaimer above but the event cannot be advertised as an educational event by the other organization if we are going to consider it a sales event.
- The event must be reported to CMS as a sales event before the event occurs.

#### An agent can:

- Distribute branded promotional items of nominal value. Nominal value is \$15 or under. These items must be offered to any beneficiary present at the meeting.
- Include educational/health care components.
- Provide light snacks and beverages.
- Make available and distribute marketing materials, kits, brochures and applications.
- Distribute and collect enrollment applications. For Jan. 1, 2009 enrollments, applications may not be accepted until Nov. 15. Before Nov. 15, brokers and agents must tell beneficiaries that they cannot submit enrollment requests until that date.)
- Answer questions about our plans and products.
- Schedule in-home appointments with appropriate scope of product documentation.
- Hand out business cards.
- Have business reply cards, lead cards and sign-in sheets with appropriate disclaimer language indicating permission to call or email. Disclaimer language: “This is a solicitation of insurance. By returning this card, you agree that an authorized representative or licensed insurance agent from UnitedHealthcare may contact you by phone, e-mail or mail to answer your questions or provide additional

information about Medicare Advantage, Part D or Medicare Supplement insurance plans.”

#### An agent cannot:

- Provide meals or bundle snacks in a manner that would constitute a meal.
- Provide gifts as an enticement to enroll.

### Educational Events

The purpose of educational events is to provide objective information about the Medicare program and/or health improvement and wellness. Events should not be used to attempt to steer a beneficiary toward a specific or limited number of plans. New guidance from CMS clarifies that these are events that have been advertised or promoted as an educational event.

- We can sponsor or co-sponsor educational events; however, we cannot market our products at these events.
- An educational event sponsored by us must include a disclaimer that says, “This event is only for educational purposes and no plan-specific benefits or details will be shared.”
- An event sponsored by another organization is not required to include the disclaimer above.

#### An agent can:

- Have a banner or table skirt with the plan name and logo displayed.
- Provide business cards to prospects *if* requested, as long as the card is free of plan benefit information.
- Distribute educational materials that are free of specific plan information (this includes specific plan premiums, co-payments or contact information) and bias toward one plan type over another. Our branded “Medicare Made Clear” guide is approved for use at educational events.
- Include educational/health care components.
- Distribute promotional items of nominal value with plan names, logos and toll-free customer service numbers and/or Web sites.
- Wear T-shirts/badges, etc. with plan names and logos.
- Encourage prospects to call us to get further information.

### **An agent cannot:**

- Distribute marketing materials (materials that contain specific plan information or bias toward one plan type over another) kits, brochures or applications at the event for either 2008 or 2009.
- Answer questions about our plans or products.
- Distribute or display business reply cards, lead cards, scope of appointment forms or sign-up sheets.
- Attach business cards or plan/agent contact information to educational materials.
- Solicit prospects to approach the table.
- Set up personal sales (e.g. in-home) appointments or get permission to contact the beneficiary.
- Take RSVPs for any upcoming sales events.
- Share a calendar of upcoming sales events.

### **Determining the Type of Event**

- If the event is advertised to beneficiaries as an educational event, it is considered an educational event and the rules for educational events apply. This applies whether the event was advertised by us or an outside entity.
- If the event is advertised as a sales event (includes the disclaimer that “a sales representative will be present with information and applications”), then the marketing and sales rules apply.
- If the event is hosted by an outside entity and the event isn’t advertised as educational, plans are allowed to conduct sales activities, and the marketing and sales rules apply. **However**, the plan is responsible for determining if the event hosted by an outside entity has been advertised as educational or not, and whether or not the beneficiary would reasonably expect it to be educational (e.g., health fairs/community events).
- If a meal is being served at the event, it can never be considered a sales event. Rules governing educational events would apply.

### **Marketing in Other Settings**

#### **Health Care**

MIPPA rules continue to allow us to market in common areas of health care settings (such as hospital or nursing home cafeterias, community or recreational rooms and conference rooms).

- All rules outlined under the Sales/Marketing Events section above apply.

#### **Public Sales Booth (e.g. Wal-Mart):**

Agents must be state licensed, certified and appointed.

#### **An agent can:**

- Wait behind the booth for a customer to request information.
- Greet customers.
- Make available and distribute marketing materials, kits, brochures and applications.
- Answer questions about our plans and products.

- Distribute and collect enrollment applications.( For Jan. 1, 2009 enrollments, applications may not be accepted until Nov. 15. Before Nov. 15, brokers and agents must tell beneficiaries that they cannot submit enrollment requests until that date.)
- Have business reply cards, lead cards and/or sign-in sheets with appropriate disclaimer language indicating permission to call or e-mail. Disclaimer language: “This is a solicitation of insurance. By returning this card, you agree that an authorized representative or licensed insurance agent from UnitedHealthcare may contact you by phone, e-mail or mail to answer your questions or provide additional information about Medicare Advantage, Part D or Medicare Supplement insurance plans.”
- Hand out business cards.
- Distribute branded promotional items of nominal value. Nominal value is \$15 or under. Items must be provided to any beneficiary regardless of whether he or she enrolls in the plan.
- Schedule in-home appointments with appropriate scope of product documentation.

#### **An agent cannot:**

- Approach shoppers. Shoppers must contact the agent.
- Provide meals, light snacks or beverages.
- Provide gifts as an enticement to enroll.