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Senior Medicare Patrol

Preventing Medicare Fraud

Marketing and Senior Medicare Patrol Updates

Fall Medicare Training for Wisconsin Professionals
Wednesday, October 2, 2024

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Session Topics

- ✓ **Overview of marketing guidelines**
- ✓ **What's new for 2025?**
- ✓ **SMP Resources**
- ✓ **Medicare Fraud in Wisconsin**
- ✓ **Cyberthreats in Health Care**



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Senior Medicare Patrol (SMP)

The mission is...

to empower and assist Medicare beneficiaries, their families, and caregivers

to prevent, detect, and report health care fraud, errors, and abuse

through outreach, counseling, and education.





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Medicare Parts C & D Marketing Guidelines

- ✓ **Rules that insurance companies and plan representatives (insurance agents and brokers) must follow when selling Medicare Advantage plans, Part D plans, cost plans, and Medicare-Medicaid plans (with some exceptions)**
- ✓ **Guidelines intended to prevent plans from presenting misleading information about plan costs and benefits**
- ✓ **Includes rules for how plan representatives may contact and market to beneficiaries**



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Educational Events

- ✓ Information only, no marketing or sales pitches during the presentation
- ✓ Must be advertised explicitly as educational
- ✓ Beneficiary-initiated questions can be answered
- ✓ Can set-up marketing appointment if requested by beneficiary
- ✓ No marketing materials or enrollment forms can be distributed
- ✓ Insurance rep can distribute business cards and contact info for beneficiaries to initiate contact



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Marketing/Sales Events

- ✓ Designed to steer potential enrollees or retain current enrollees toward a plan

- ✓ Health and Drug plans:
 - ✓ Must submit talking points and presentations to CMS prior to use including those to be used by agents/brokers
 - ✓ Cannot require attendees to provide contact information as a pre-requisite for attending an event

- ✓ Sign in sheets must be clearly labeled as OPTIONAL

- ✓ Health screenings or other activities that may be perceived as, or used for, “cherry picking” are not permitted

- ✓ Contact information provided for raffles or drawings may only be used for that purpose



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Scope of Appointment

- ✓ Scope of Appointment documentation is required for ALL marketing appointments, regardless of venue
- ✓ Scope of Appointment must include:
 - ✓ Product type to be discussed
 - ✓ Date of appointment
 - ✓ Beneficiary and agent contact information
 - ✓ Statement that no obligation to enroll, current or future Medicare enrollment status will not be impacted, and automatic enrollment will not occur
- ✓ Encourage beneficiaries to request a copy of the Scope of Appointment documentation for their records



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Beneficiary Contact Guidelines

- ✓ Business Reply Cards (BRC) and Scope of Appointments (SOA) are not allowed to be **distributed** at educational events
- ✓ A marketing event may not occur within 12 hours of an educational event at the same venue
- ✓ Requirement: enrollees be **notified annually in writing** of ability to opt-out of plan business calls
- ✓ Requirement: there must be 48 hours between scheduling a personal marketing appointment/filling out an SOA and the meeting with the beneficiary
- ✓ Authority for agent to talk to member based on a request for more information limited to 12 months



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Marketing Requirement Guidelines

- ✓ Limits placed on use of the Medicare name, logo, and image of the Medicare ID card
- ✓ All TV ads and print materials to be submitted to CMS ahead of time and reviewed **PRIOR** to airing/distributing
- ✓ Door-to-door contact considered **unsolicited** and **prohibited**
- ✓ Superlatives (best, most, biggest) not allowed in marketing copy without evidence to support the statement
- ✓ Marketing of benefits not available by any of the plans in that service area is prohibited



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Third Party Marketing Organizations (TPMO) Requirements

- ✓ Definition: an organization or individual, including independent agents and brokers, who is compensated to perform lead generation, marketing, sales, and enrollment-related functions as part of the chain of enrollment
- ✓ Plans must have an oversight program to monitor agent/broker activity and report incidences of non-compliance to CMS
- ✓ Clarifying that the requirement to ensure that TPMOs record all marketing calls with beneficiaries **includes** technology like Zoom



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TPMOs Requirements (cont.)

- ✓ TPMO disclaimer to include all plans the TPMO sells (in print) or mention how many organizations the TPMO sells (when spoken)
- ✓ Including the State Health Insurance Assistance Program (SHIP) information to the TPMO disclaimer
- ✓ Requiring agents to explain the effect of enrollment on current coverage (e.g., enrolling in Medicare Advantage plan will cancel current plan/coverage, primary care provider status)
- ✓ Requiring agents to go through a CMS-developed list of items before enrollment (pre-enrollment check list)



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Questions?

Comments?



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What's new for 2025?

- ✓ **New Guardrails for Plan Compensation to Agents and Brokers to Stop Anti-Competitive Steering**
- ✓ **Limiting the Distribution of Personal Beneficiary Data by TPMOs**
- ✓ **Mid-Year Enrollee Notification of Available Supplemental Benefits**



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Guardrails for Plan Compensation to Agents and Brokers

- ✓ **On hold due to litigation**
- ✓ A US district court in Texas granted a temporary injunction on July 3, 2024, pausing the effectuation of most of CMS's changes to the new agent and broker compensation rules
- ✓ Will continue to follow litigation and report any updates as available



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Limiting Distribution of Personal Beneficiary Data by TPMOs

- ✓ Personal beneficiary data collected by a TPMO for marketing or enrollment into a Medicare Advantage or Part D plan may only be shared with another TPMO when **prior written consent** is given by the individual
- ✓ TPMO must obtain written consent through transparent, prominently placed disclosure from the individual to share the information and must be contacted for marketing and enrollment purposes, separately for each TPMO that receives the data



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Why is limiting distribution of personal data important?

- ✓ Some TPMOs have been selling and reselling personal beneficiary data which undermines existing rules that prohibit cold calling people with Medicare and result in other aggressive marketing tactics for Medicare Advantage and Part D plans.
- ✓ Individuals may be unaware that by making a call or clicking on a generic-looking web link, they are unknowingly agreeing and providing consent for their personal beneficiary data to be collected and sold to other entities for future marketing activities.
- ✓ Hopefully, this will help reduce contacts to beneficiaries



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Mid-Year Enrollee Notification of Available Supplemental Benefits

- ✓ New requirement: Mid-Year Enrollee Notification of Unused Supplemental Benefits issued annually, between June 30 and July 31 of plan year
- ✓ Includes a list of any supplemental benefits not accessed by the individual during the first six months of the year
- ✓ Also included: scope of benefit, cost-sharing, instructions on how to access the benefit, and customer service number to call if additional help is needed
- ✓ **Be On the Look Out:** something new can mean new opportunities for fraudsters



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Questions?

Comments?



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Marketing Violation Referral to SMP

- ✓ Suspected marketing violations/agent misconduct issues go to the Centers for Medicare and Medicaid Services SMP liaison
- ✓ If an insurance agent is involved, agent information is reported in a complaint to the Wisconsin Office of the Commissioner of Insurance
- ✓ If a Complaint Tracking Module (CTM) entry has occurred, SMP will include that in case information
- ✓ The more information/details available, the stronger the complaint/case

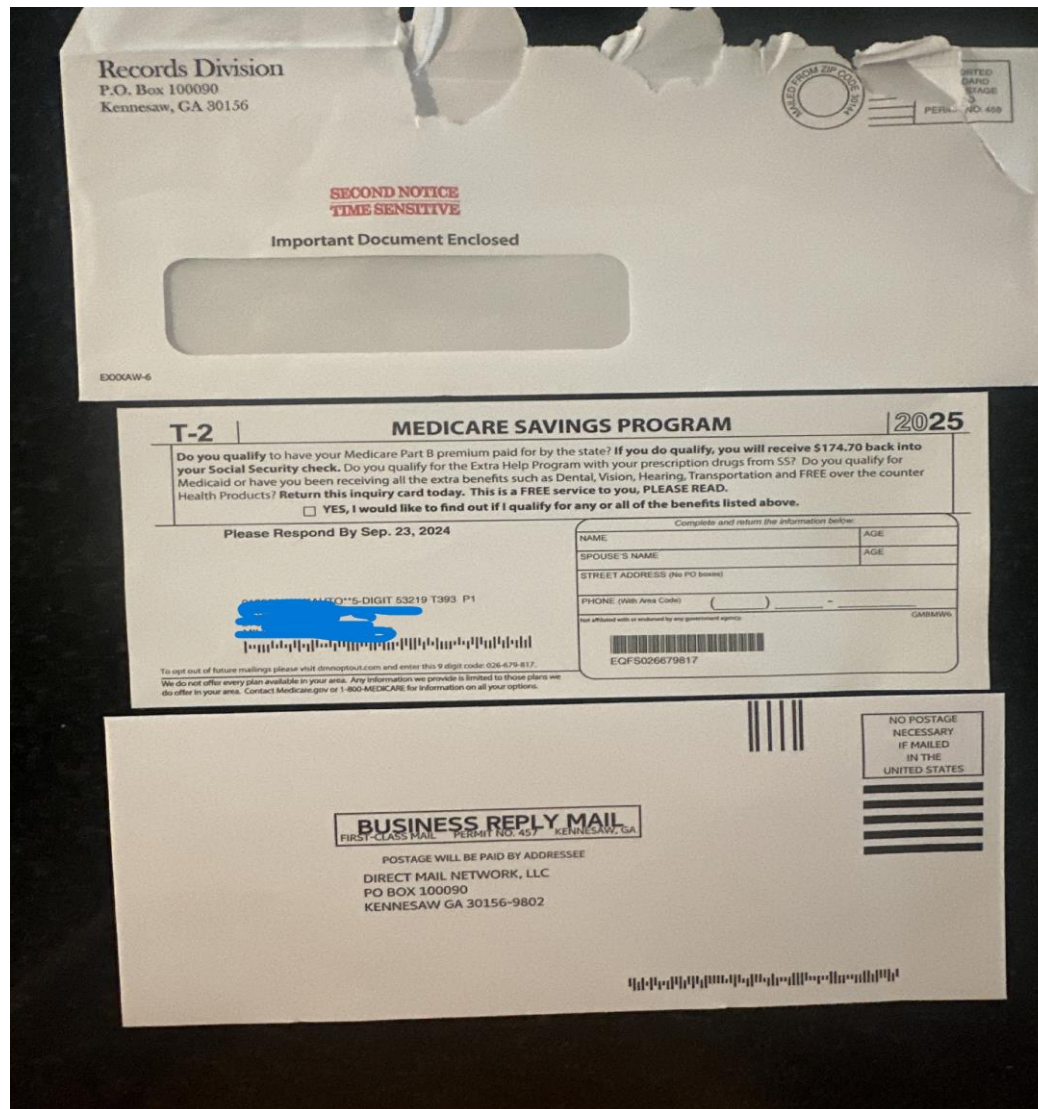


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Some Examples



Fine Print:

- ✓ Provides “Opt Out” for future mailings
- ✓ “We do not offer every plan in your area. Any information we provide is limited to those plans we do offer in your area. Contact Medicare.gov or 1-800-MEDICARE for information on all your options.”



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Your Local Office:
316 N Barstow St., Suite J
Eau Claire, WI 54703



Dear [Redacted]

I just received a shipment of the brand new updated free Medicare Guide, I put one aside for you, thinking you would definitely want to have this.

Will you please let me know if you want it so I can hold it for you?

Just send in the RESERVED COPY request below. There's NO obligation! It's yours for the asking, no strings.

Sincerely,

John Tavare

John Tavare
Regional Sales Manager

P.S. Quantities are limited. Please mail your request in the next 10 days.

FREE GUIDE!



Are YOU turning 65 soon ?

► **Request the free updated guide: MEDICARE GUIDE-What you need to know about Medicare in simple, practical terms**

This is MUST-READ information for Medicare beneficiaries!

Request your copy A.S.A.P. so you understand your rights & upcoming deadlines for actions:

- What is Medicare? – see p. 1
- Enrollment deadline Part B (doctor) – see p. 12
- Getting Part D (prescription drugs) – see p. 6
- And much more!

► Know your options! Don't miss the deadlines!

✂ Detach here – Mail in postage-paid envelope

L-1011-0723

FREE GUIDE [Reserved Copy] • MAIL in next 10 DAYS

437 A 33923 04-19



Yes, I would like to receive the Free Guide

I understand there is NO cost and NO obligation.

(If this is not the current address where you live, please print your correct address on the back).



Please print: Birthdate ____/____/____ Phone _____

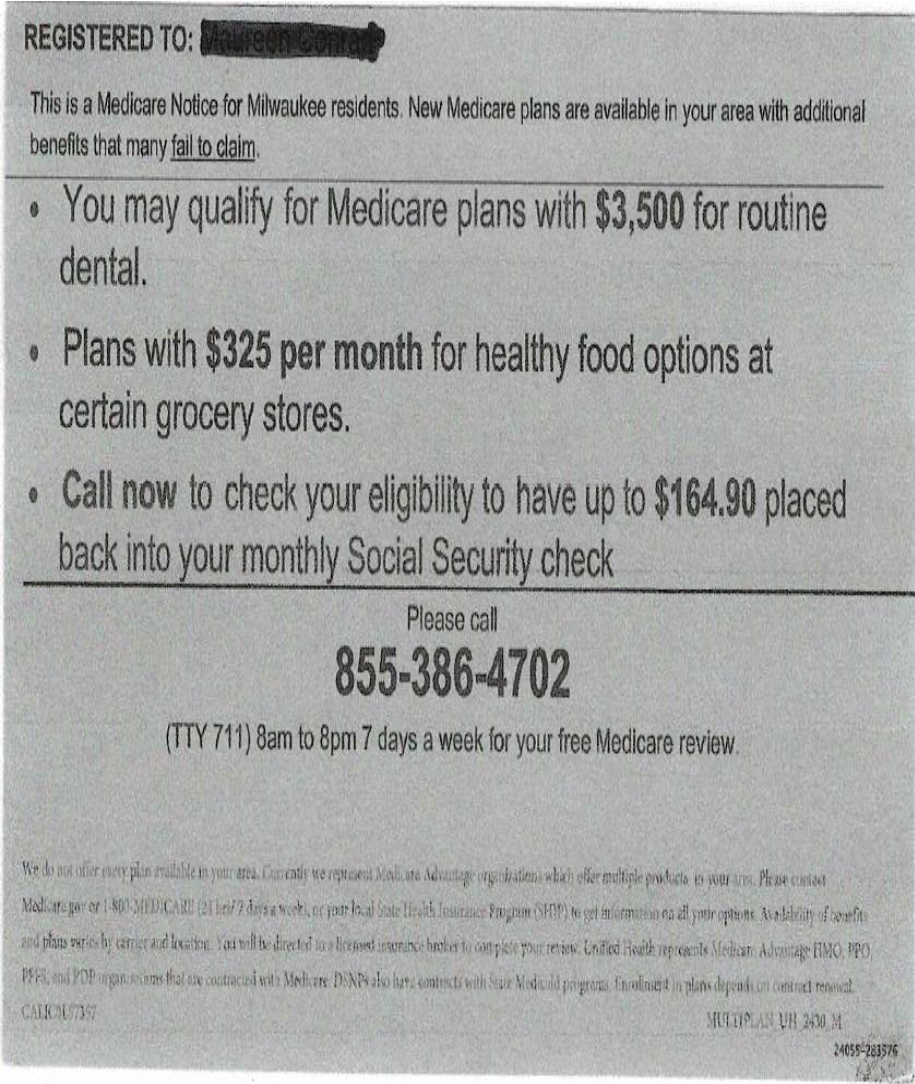
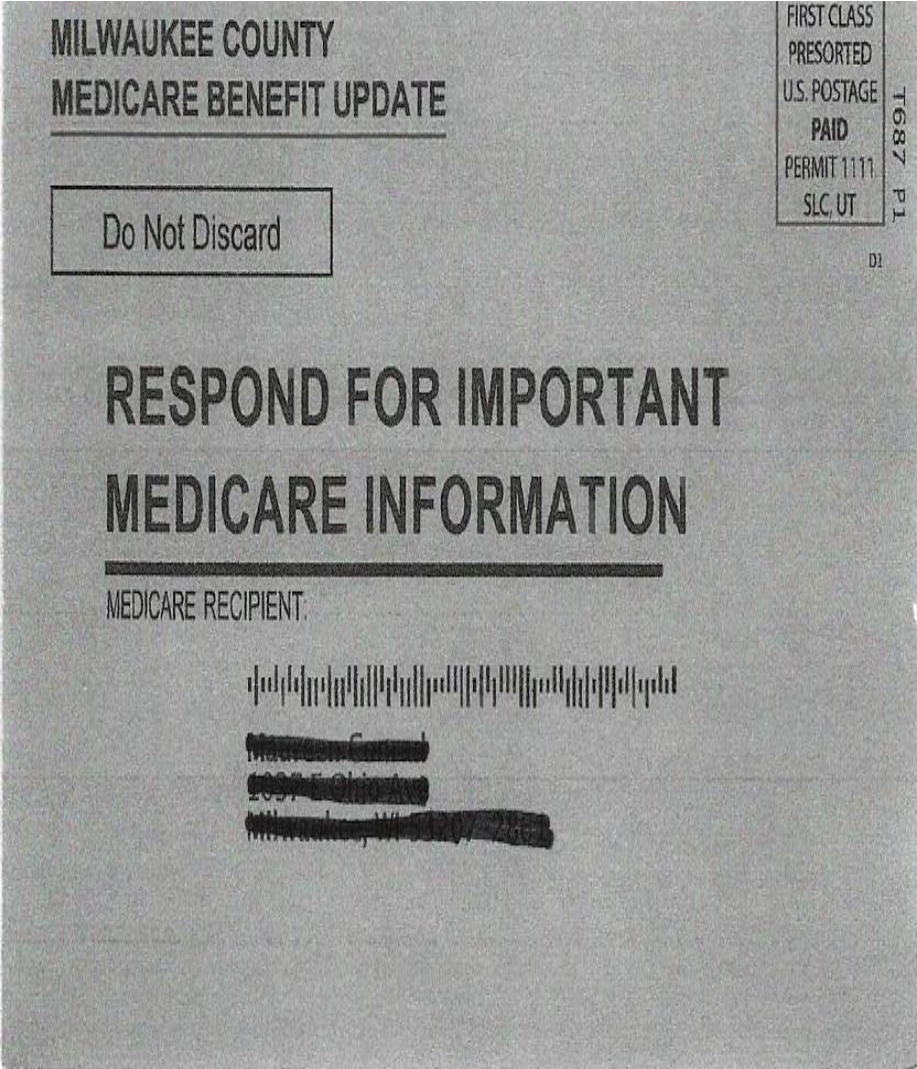
Email (optional): _____

By responding to this advertisement, you grant permission to be contacted by a licensed insurance agent affiliated with American Senior Benefits, which is not endorsed by any governmental agency.



Fine Print:

By responding to this advertisement, you grant permission to be contacted by a licensed insurance agent affiliated with American Senior Benefits, which is not endorsed by any governmental agency.



Fine Print Summary:

- ✓ Do not offer every plan available in your area; currently represent Medicare Advantage organizations which offer multiple products in your area; contact Medicare or your SHIP to get information on all your options.



Resources

- ✓ **Wisconsin Senior Medicare Patrol Website**
 - ✓ **Medicare Overview/Open Enrollment Period**

 - ✓ **Decision Making Tools**
 - ✓ **Ask the Right Questions**
 - ✓ **Comparing Medicare Coverage Options**
 - ✓ **To Navigate the Medicare Maze, Know Your Resources!**

- ✓ **Fall 2025 Edition of The Scoop**

- ✓ **Toll-Free Helpline: (888) 818-2611**



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What are we hearing from Wisconsin Medicare beneficiaries?

✓ New Medicare card scams

✓ Durable Medical Equipment Scams

✓ **Be On the Lookout: Ostomy Supplies**



Quantity, Item/Service Provided & Billing Code	Item/Service Approved?	Amount Supplier Charged	Medicare-Approved Amount	Amount Medicare Paid	Maximum You May Be Billed
February 7, 2024					
40 Ostomy pouch, drainable, with extended wear barrier attached, with built in convexity, with filter, (A5057)	Yes	\$600.00	\$524.00	\$410.82	\$104.80
March 8, 2024					
40 Ostomy pouch, drainable, with extended wear barrier attached, with built in convexity, with filter, (A5057)	Yes	600.00	524.00	410.82	104.80
April 8, 2024					
40 Ostomy pouch, drainable, with extended wear barrier attached, with built in convexity, with filter, (A5057)	Yes	600.00	524.00	410.82	104.80



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Cyberthreats in Health Care

- ✓ Big ransomware attacks in 2024:
 - ✓ February: Change Healthcare attacked caused enormous disruption to national health care claims processing system
 - ✓ May: attack on Ascension forced some emergency medical care to be rerouted

- ✓ A 2023 report indicated that:
 - ✓ 88% of health care organizations had a least one cyberattack in the last 12 months (the average was 40 attacks)
 - ✓ 100% had at least one case where sensitive health care data was lost or stolen



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Cyberthreats (continued)

✓ Why Health Care?

- ✓ Data is often easy to steal
- ✓ Medical records can be more valuable than credit card information because personal health information and medical identities can be sold multiple times on the gray market
- ✓ Takes time for the impacted individual or health system to notice the data was breached



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Cyberthreats (continued)

- ✓ **How can SMP help?**
 - ✓ Help beneficiaries sort through information received to verify legitimacy
 - ✓ Help beneficiaries understand next steps to protect Medicare information: request new Medicare number, watch statements for suspicious claims
- ✓ We will continue to follow this issue and alert the network to concerns, etc.



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How to contact the Wisconsin Senior Medicare Patrol

- ✓ [Visit us online](#)
- ✓ **Call our Toll-Free & Confidential Helpline:
(888) 818-2611**
- ✓ [Follow Us on Facebook](#)
- ✓ **Email: smp-wi@gwaar.org**

