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Preventing Medicare Fraud

Marketing and Senior Medicare Patrol Updates

Fall Medicare Training for Wisconsin Professionals
Tuesday, October 6, 2026

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Session Topics

- ✓ **Overview of marketing guidelines and changes for Plan Year 2027**
- ✓ **SMP Resources**
- ✓ **Medicare Fraud in Wisconsin**
- ✓ **CMS Fraud Crushing Efforts in 2026**



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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: The Big Picture

- ✓ Rules apply to Medicare Advantage, Part D, and other Medicare plan marketing activities, with some exceptions
- ✓ Marketing rules are intended to prevent misleading information about plan costs, benefits, and coverage
- ✓ Rules address how plans, agents/brokers, and third-party marketing organizations may contact and market to beneficiaries



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Educational Events vs. Marketing Events

- ✓ Educational events: information only; no marketing or sales pitches during the presentation
- ✓ Educational events should be advertised explicitly as educational
- ✓ Marketing/sales events are designed to steer potential enrollees or retain current enrollees toward a plan.
- ✓ Insurance rep can distribute business cards and contact info for beneficiaries to initiate contact



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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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Change for 2027

- ✓ **Removing Rules on Time and Manner of Beneficiary Outreach**
- ✓ CMS Final Rule modifies the framework on which MA organizations and Part D sponsors may market to and communicate with beneficiaries by relaxing requirements on timing and manner of beneficiary outreach.



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Change for 2027

- ✓ Permits a marketing event to follow an educational event at the same location without a 12-hour waiting period
 - ✓ Must give beneficiary sufficient opportunity to leave the educational event before the start of a marketing event

- ✓ Permits a personal marketing appointment to occur at any time after the completion of the Scope of Appointment (SOA) form
 - ✓ Previously, there was a 48-hour waiting period between the completion of an SOA form and a personal marketing appointment

- ✓ Allows plans and agents/brokers to collect SOA forms from beneficiaries at educational events



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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**
- ✓ Marketing of benefits not available by any of the plans in that service area is prohibited



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Change for 2027

- ✓ **Relaxing the restrictions on Language in Advertising**
 - ✓ CMS noted that current restrictions on the use of superlatives (“best”, “most”, etc.) are unnecessary since MA organizations and Part D sponsors are already prohibited from providing misleading, confusing, or inaccurate marketing and communications materials to beneficiaries.
 - ✓ Requirement to reference supporting documentation or data directly in materials also eliminated.
- ✓ CMS will continue to review marketing and communications materials and may request data, reports, or other documentation to substantiate claims.



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Change for 2027

- ✓ **Rescinding the Requirement for the Notice of Availability**
 - ✓ Plans are no longer required to provide a Notice of Availability of language assistance services and auxiliary aids and services.



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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 maintain oversight of agent/broker and TPMO activity
- ✓ TPMOs record all marketing and sales calls with beneficiaries, including virtual platforms and must retain records of all calls for six years



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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)
- ✓ 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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Pre-Enrollment Checklist Topics

- ✓ Before enrolling a beneficiary in a Medicare Advantage or Part D plan, agents must discuss CMS-required questions and information on the following topics:
 - ✓ Medicare eligibility
 - ✓ Primary care providers & specialists
 - ✓ Prescription drug costs & coverage
 - ✓ Specific healthcare needs & costs
 - ✓ Premiums and cost-sharing
 - ✓ Plan benefits
 - ✓ Effect of a Medicare coverage change
 - ✓ Administrative items



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Change for 2027

- ✓ **TPMO Disclaimer Changes**
- ✓ **New Timing:** agents no longer have to read the disclaimer within the first minute of a call. It must not be stated just prior to discussing specific plan benefits or cost-sharing.
- ✓ **Language Update:** references to State Health Insurance Programs (SHIP) have been completely removed.
- ✓ **Standard Contacts:** disclaimer now only directs consumers to Medicare.gov or 1-800-Medicare
- ✓ **Non-Digital vs. Digital:** For phone calls, it is sequence-based (before benefit discussion). For websites, print, emails, chats, and TV ads, the disclaimer must remain prominently displayed or disclosed.



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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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Resources

- ✓ **Wisconsin Senior Medicare Patrol Website**
 - ✓ **Medicare Overview/Open Enrollment Period**
 - ✓ **Decision Making Tools**
 - ✓ **Ask the Right Questions**
 - ✓ **Comparing Medicare Coverage Options**
 - ✓ **Fall 2026 Newsletter, The Scoop**
 - ✓ **October 2026 Scam Spotlight: Medicare Open Enrollment**
 - ✓ **Toll-Free Helpline: (888) 818-2611**



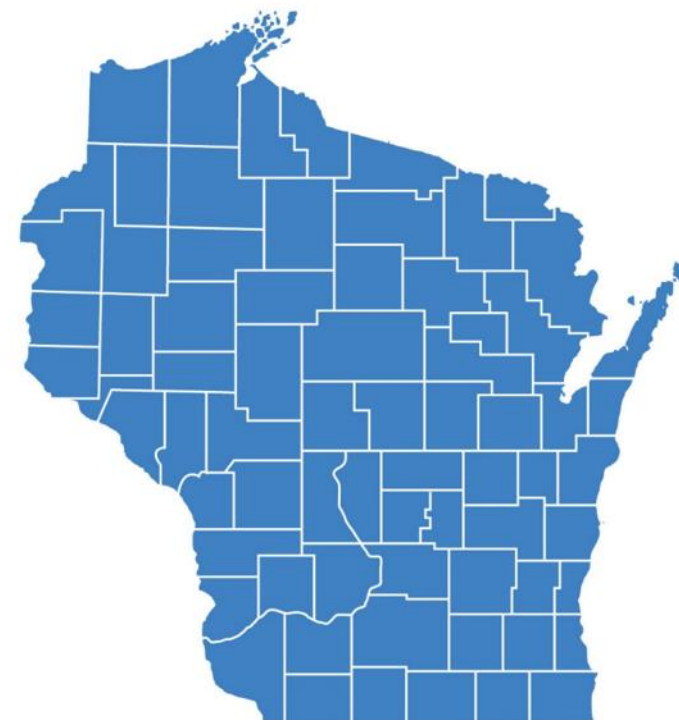
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What are we hearing from Wisconsin Medicare beneficiaries?

- ✓ New Medicare card scams
- ✓ Durable Medical Equipment Scams
 - ✓ Wound Care Supplies
 - ✓ Fiber Gel Dressings
 - ✓ Catheter Kits/Supplies
 - ✓ Orthotic Braces





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CMS Fraud Crushing Efforts: 2026

<https://www.cms.gov/fraud>

- ✓ Medicare Overpayments
 - ✓ Identified \$1.8 Billion through medical review
 - ✓ 1,353 providers & suppliers
 - ✓ Collected \$378 Million through post-payment review

- ✓ Medicare Payment Suspensions
 - ✓ \$539 Million
 - ✓ 1,095 providers & suppliers

CMS Fraud Crushing Efforts: 2026



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- ✓ Durable Medical Equipment (DME) Suspensions & Revocations
 - ✓ 496 unique DME suppliers subject to Medicare payment suspensions and/or revocation
 - ✓ 60 suppliers suspended
 - ✓ 445 suppliers revoked

- ✓ Claim Denials
 - ✓ 110,414 claims denied for failing to meet Medicare fee-for-service requirements
 - ✓ 1,095 providers & suppliers



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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**



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How to contact the Wisconsin Senior Medicare Patrol

- ✓ Ingrid Kunding
- ✓ Ingrid.Kunding@gwaar.org
- ✓ (608) 852-6436



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