

Are Your Medicare Marketing Materials Compliant?

Agents and insurance companies are required to remain compliant with the rules set forth by the Centers for Medicare & Medicaid Services while marketing their services. This makes sense, but it's necessary to clarify the specific details.

It's always fun to be able to let your creative side show and make your own marketing materials, but it's so important to be mindful of how you're representing yourself as it pertains to the Medicare Communications and Marketing Guidelines (MCMG), as well as other requirements. Here, we've put together a few of the most common compliance-related questions and answers relating to marketing materials.

Q: Before engaging in Medicare marketing or sales, what's required of agents?

A: CMS states that only agents who are licensed, certified, or registered under state law are permitted to market and insurance company's Medicare Advantage or prescription drug plans. Agents are also required to complete the insurance companies' annual mandatory certification processes for the carriers they wish to represent. Only after an agent is trained and certified to understand the rules, regulations, and specific Medicare product details can a carrier confirm an agent's ready-to-sell status.

Q: What are the requirements to become certified as an agent?

A: For each carrier an agent plans to market, the agent must complete that company's annual certification process. It's important to check with each company's specific requirements, as processes may vary. Each company may also have a different notification method to inform an agent that they're ready-to-sell, so checking on their specified system for confirmation is best.

Q: While running a website, can I reference a Medicare Advantage plan's marketing materials and trademarks of the companies I represent?

A: Agents cannot reference a specific Medicare Advantage or prescription drug plan's marketing materials or use an insurance company's trademark on their site. When a plan-specific or company-specific reference is used regarding a Medicare plan, it's considered that company's marketing material. It's like forging a signature or fabricating a quote. If it wasn't approved or provided by the company, it's not OK to use it. Additionally, if an agent wants to reference any Medicare Advantage plan information or the insurance company logo on their website, the agent must work with the specific insurance company to obtain their prior approval.

Q: Can I reference Medicare Advantage or prescription drug plan info on direct mail marketing material?

A: No, for the same reasons specified in the answer to the previous question. Any time a plan-specific reference is made on marketing materials, it's considered that company's materials. CMS does allow brand promotion, but no specific product references, and prior approval of using the carrier's logo or name is required. It is possible, though, to use a specific company's pre-approved marketing materials. Note that generic direct mail marketing material without any plan or company-specific information does not require prior approval, provided all other marketing guidelines are met.

Q: Can I say "Medicare" on my marketing materials?

A. According to Section 1140 of the Social Security Act, it's forbidden to use the words or symbols including "Medicare", "Centers for Medicare & Medicaid Services", "Department of Health and Human Services", or "Health & Human Services" in a way that would indicate the approval, endorsement, or authorization of Medicare or any other government agency. Additionally, agents shouldn't use the word "Medicare" on their business card in any fashion that suggests they represent Medicare, like putting the words "expert" or "specialist" behind it.

To learn more about keeping your marketing materials and practices compliant, please see the [Medicare Communications and Marketing Guidelines](#).