

Scope of Appointment - 48 Hour Waiting Period Guidance

Agents are required to secure and document a Scope of Appointment (SOA) prior to any personal marketing appointment. Personal marketing appointments are those appointments that are tailored to an individual or small group (i.e. married couples, domestic partners). Personal marketing appointments are not defined by location and apply to all appointment settings, including face-to-face, telephonic, video conferencing, or other virtual/telepresence methods.

48-Hour Requirement Between a Scope of Appointment and a Sales/Marketing Appointment

An SOA must be obtained at least 48 hours prior to a scheduled personal sales/marketing appointment. The 48-hour waiting period would not be required for:

- SOAs that are completed during the last four days of a valid election period for the beneficiary
- Unscheduled in person meetings (walk-ins) initiated by the beneficiary
- Inbound calls made by beneficiaries to a sales agent¹

The intent of the 48-hour waiting period is to allow beneficiaries ample time to consider their options and to speak with caregivers or others who they may rely upon for help or advice, prior to meeting with a sales agent. Agents should ensure that appointments are scheduled in accordance with the beneficiary's preference and offer to schedule appointments with at least a 48-hour waiting period, to allow beneficiaries sufficient time to prepare. The intent of the exceptions, as noted in CMS commentary to the regulations, is to accommodate beneficiaries approaching the end of their enrollment period or in specific instances for those who may have transportation issues or have traveled long distances to see an agent.

Definitions:

Valid SOA: For an SOA to be considered valid, it must meet the following criteria:

- Include:
 - Product types to be discussed
 - Date of appointment
 - Beneficiary and agent contact information

¹ This exemption is not part of the Final Rule regulations; however, CMS has provided verbal clarification and confirmation of information provided in a third party (Citi) report on May 10, 2023, that the 48-hour waiting period does not apply to inbound calls made to a sales agent by a beneficiary, but does apply to outbound calls made by sales agents to beneficiaries.

- Statement stating there is no obligation to enroll, current or future Medicare enrollment status will not be impacted, and automatic enrollment will not occur
- Be signed (telephonically, electronically, or via paper) by the beneficiary within the last 12 months
- Be obtained at least 48 hours prior to the personal sales/marketing appointment unless an exemption listed above applies.

Note: Completion of an SOA is not required for inbound calls.

When using the Humana SOA form and holding a sales presentation within 48 hours of completing the SOA, the sales agent must select which exemption to the waiting period applies. Sales activities are monitored by Humana for adherence to regulatory requirements, including SOA completion and compliant observation of applicable waiting periods prior to a sales presentation. Sales agents who do not collect an SOA when required or do not adhere to regulations for waiting periods prior to a sales presentation are subject to disciplinary action.

For an existing SOA to be applicable for a scheduled sales presentation, the beneficiary must desire to discuss the same products previously agreed upon. If the beneficiary wishes to discuss products not identified on the original SOA, a new SOA must be obtained.

Permission to Contact (PTC)/Business Reply Card (BRC): Documentation that permits a sales agent to contact a beneficiary. PTCs and BRCs are valid for 12 months following the date of beneficiary's signature date or the date of the beneficiary's initial request for information, unless otherwise revoked or exhausted (utilized to contact the beneficiary) before expiration of the 12-month period. A PTC/BRC is NOT an SOA as these documents do not meet the required elements of an SOA.

Application of the 48-hour Requirement:

Exemptions to the 48-hour Requirement:

Below are exemptions to the 48-hour waiting period requirement. In these instances, a sales agent does not need to wait at least 48-hours between obtaining an SOA and completing a sales/marketing personal appointment. The sales agent should always schedule sales/marketing personal appointments at the preference of the beneficiary, even if the situation meets the exemption criteria below.

1. **If the SOA is completed during the last 4 days of a beneficiary's valid election period.** CMS has clarified in their commentary that this could be the end of the AEP, the OEP, an SEP or the ICEP. For these beneficiaries, the 48-hour rule will not apply if the SOA is completed during the last four days of the election period. For example, the AEP ends on December 7th of each year so if an SOA is completed on or after December 3rd, the personal marketing appointment can occur during the period between December 3rd and December 7th. If an election period ends on the 31st of the month, the SOA must have been completed no earlier than the 27th of that month.
2. **Unscheduled in person meetings (walk-ins) initiated by a beneficiary.** CMS has clarified in their commentary that beneficiaries who walk into an agent's office, a kiosk, a plan's office, or any other type of walk in, will not be subject to the 48-hour rule. This exemption will assist beneficiaries who have transportation issues and those that have traveled long distances to see an agent.
3. **Inbound telephonic contact made by a beneficiary to a sales agent.**

Beneficiary Interactions that do not meet an exemption to the 48-Hour Requirement:

Unless one of the exemptions listed above applies, sales agents must wait at least 48-hours from obtaining an SOA to hold a sales/marketing personal appointment with a beneficiary. Refer to the scenarios below for examples of application of the 48 hour waiting period, such as outbound calls to a beneficiary or interactions with beneficiaries at events:

Outbound Calls or Contact to a Beneficiary:

1. To initiate outbound contact to a beneficiary, the sales agent must have a valid PTC or BRC. If the PTC or BRC is older than 12 months and/or the beneficiary has opted out of contact the previously obtained document is not valid. *Note: Agents should refer to their agency's policies to determine when permission for outreach has been granted, including those times in which an existing business relationship may exist.*
2. If the agent previously obtained a valid SOA 48 hours or more before an outbound phone call or in-person meeting, the agent would be able to discuss plan benefits, complete a sales presentation, or enroll the beneficiary into a plan of their choosing during the outbound call. However, if the SOA is older than 12 months and/or the beneficiary has opted out of contact the previously obtained SOA is not valid. If the sales agent does not have a valid SOA at the time of the call, they may not complete a personal sales/marketing appointment until the SOA is obtained and the waiting period, if applicable, is observed. The sales agent must obtain an SOA and schedule an appointment with the beneficiary at least 48 hours after obtaining the SOA.
3. Prior to the agreed-upon sales/marketing appointment, the agent must adhere to the following:
 - a. The sales agent may not discuss plan details with the beneficiary, including premiums, benefits, or other aspects as part of a sales presentation.
 - b. The sales agent may not send materials to the beneficiary that would require the completion of a sales presentation, such as: Digital Marketing Materials (DMMs), enrollment applications, electronic means of application signature, personal enrollment sites, or any other means of facilitating an enrollment transaction prior to having a full sales presentation.
4. If the beneficiary asks the agent for a sales presentation immediately on the outbound call, the agent may offer immediate forms of enrollment such as making an inbound call to the agent, visiting Humana.com, or calling 1-800-MEDICARE. The agent may also share physical office locations so that the beneficiary may request a sales presentation at the time of walk-in. These options may be shared only at the request of a beneficiary and the agent should always offer an appointment 48 hours or later than the time of the initial call.

Interactions with a Beneficiary at Educational and Marketing Events:

1. A sales agent may distribute and collect SOAs and schedule personal marketing appointments at formal and informal marketing events.
2. SOAs may not be distributed or collected at educational events and agents are not permitted to schedule personal sales/marketing appointments at educational events. Agents may make their business cards, BRCs, and PTCs available at all events.
3. If a sales agent is approached by a beneficiary at a sales/marketing event and the beneficiary indicates that they want to be enrolled into a plan, the agent must collect a valid SOA and can schedule a personal sales/marketing appointment to occur at least 48 hours after obtaining the

SOA. If the beneficiary states that they do not want to or cannot wait at least 48 hours for the appointment, the agent may proceed with the sales presentation after the event. In this scenario, the walk-in exception to the 48-hour waiting period would apply only if the beneficiary walks up to or approaches the sales agent requesting a personal marketing meeting immediately following the sales/marketing event. Note that an SOA would still be required prior to the appointment, but the 48-hour waiting period would not apply.

4. If a sales agent is approached by a beneficiary at an educational event, and the beneficiary indicates that they want to discuss plans or be enrolled into a plan, the agent can collect a valid PTC or BRC. The sales agent can utilize this permission to contact the beneficiary at a later time to obtain an SOA and schedule a personal marketing appointment at least 48 hours after the SOA is collected, unless an exemption applies. Alternatively, the agent can provide their contact information/business card to the beneficiary and suggest the beneficiary call them directly to learn more about plans.

Best Practices for Conducting a Personal Marketing Appointment at the Beneficiary's Request Following Formal or Informal Marketing Events:

1. Complete an SOA prior to the personal marketing presentation beginning. The agent should verify the products that the beneficiary would like to discuss and complete their presentation based upon those selections, as recorded within the SOA.
2. Have a quiet place for personal sales/marketing appointments - Personal information may be shared during sales presentations.
3. Minimize distractions - It is important for the beneficiary to be fully engaged in the conversation. If you believe the beneficiary is or could be distracted (i.e., loud music playing) offer or suggest an appointment at another time/location and collect a valid SOA. The appointment would need to occur 48 hours after collection of the SOA, unless an exemption applies.

Permissible Agent Activities for Annual Enrollment Period Readiness:

Sales agents are still permitted to perform the following activities:

1. Prior to 10/01, sales agents may call their current book of business, with appropriate permission, to inform the member that their Annual Notice of Change (ANOC) will be sent to them soon. In this conversation, the sales agent may determine which products the beneficiary is interested in for the new plan year (without discussing specific plan rates/benefits) and obtain an SOA for an appointment to take place at least 48 hours after the SOA date and after 10/1. The agent may set up an appointment on or after 10/01 to present new plan options.
2. To help a beneficiary prepare for a personal sales marketing appointment, the sales agent may direct beneficiaries to Humana.com and encourage them to review all plan options in their zip code.
3. Sales agents should encourage beneficiaries to consult with caretakers or others who may help them with their healthcare decisions as a means to prepare for the personal sales/marketing appointment. Beneficiaries may invite caretakers to the personal sales/marketing appointment or confirm that their Power of Attorney (POA) or other authorized representative are available to attend the personal sales/marketing appointment.
4. After a compliant sales presentation is completed and with beneficiary agreement, the sales agent may send a DMM to highlight the plans preferred by the beneficiary.