

Protecting Yourself from Marketing Violations



During Medicare's Open Enrollment Period (OEP), you will likely experience more marketing from private Medicare plans, like Medicare Advantage Plans and Part D plans. Companies try to reach consumers in various ways, like television commercials, radio ads, events, mailings, phone calls, and texts. The government has rules, though, to protect you from aggressive or misleading marketing. Knowing the rules can help you make the best choices for yourself during OEP.

Watch out for people who:



Ask for your Medicare number, Social Security number, or bank information, especially before you decide to enroll. Someone can use this information to enroll you in a plan without your permission.



Say they represent Medicare. Plans are never allowed to state they represent or are endorsed by Medicare or any other government agency. They cannot use the Medicare name or logo on their marketing materials in a way that implies this.



Send you unsolicited text messages or phone calls.



Pressure you to enroll in their plan. You can use the entire Open Enrollment Period to make your decisions. You will not receive extra benefits for signing up early.





Offer you gifts to enroll in their plan. Gifts must be given to everyone at an event regardless of their enrollment choice, and cannot be worth more than \$15.

Report potential marketing violations to your Senior Medicare Patrol (SMP) or State Health Insurance Assistance Program (SHIP).

Contact information for your local SMP and SHIP are on the last page of this document.

Protecting Yourself from Marketing Violations

 Plans can	 Plans cannot
<ul style="list-style-type: none"> ✓ Send you mail ✓ Have educational exhibits at public events ✓ Call or email you about other health plans and products, as long as you are already a plan member and haven't asked them not to call or email ✓ Schedule an appointment to discuss plan options with you, but <ul style="list-style-type: none"> • Before the appointment, you must formally decide which topics will be discussed • The appointment must occur 48 hours or more after it is scheduled (unless you walk into their office or it's the very end of OEP) • The plan agent must stick to the topics you have agreed on in advance • The plan agent may not use your appointment or the time before or after to market or sell plans to other people in your building or neighborhood 	<ul style="list-style-type: none"> ✗ Call, send text messages, or leave voicemail messages, unless you are already a plan member or you gave the plan permission ✗ Email you or call you (even if you are a plan member) if you opt out of this communication ✗ Ask for your personal information or try to sell you a plan at an educational exhibit ✗ Approach you in public areas, such as a parking lot, hallways, or sidewalks ✗ Give you prizes or gifts worth over \$15 <ul style="list-style-type: none"> • Cannot be in the form of cash • Cannot require enrollment or an appointment to get the gift ✗ Conduct promotional activities worth over \$15 per expected event attendee (for example, a raffle prize at an event for 10 people must be valued at or below \$150) ✗ Provide full meals at sales / marketing events



Tips for avoiding unwanted enrollment:

Never provide your Medicare information to anyone but your trusted health care providers. Confirm everything that a plan agent tells you before making a final decision about a plan. Ask for everything in writing. Call your doctors to make sure they are in network for the plan you want to join. You can also call your local SHIP for unbiased answers to coverage questions.

Protecting Yourself from Marketing Violations

New this year!

Plans must provide you with the option to opt out of communications about Medicare products. It must be done annually and in writing. Also, before enrolling you, plan representatives must explain the plan’s effect on your current coverage. For example, if you have a Medigap, a plan representative must explain how you will lose that Medigap if you enroll in Medicare Advantage.

Who to contact for more information:

- **1-800-MEDICARE (633-4227):** Contact Medicare to request disenrollment if you were enrolled in a plan without your consent or based on misleading information.
- **State Health Insurance Assistance Program (SHIP):** Contact your local SHIP to report any marketing violations or to request help correcting an unwanted enrollment.
- **Senior Medicare Patrol (SMP):** Call your local SMP to report potential Medicare fraud, errors, and abuse, including marketing violations.

Local SHIP contact information	Local SMP contact information
SHIP toll-free: 1-800-803-7174	SMP toll-free: 1-800-803-7174
SHIP email: info@shiphelp.org	SMP email:
SHIP website: http://www.mmapinc.org/	SMP website: https://mmapinc.org/
To find a SHIP in another state: Call 877-839-2675 (and say “Medicare” when prompted) or visit www.shiphelp.org	To find an SMP in another state: Call 877-808-2468 or visit www.smpresource.org

SHIP Technical Assistance Center: 877-839-2675 | www.shiphelp.org | info@shiphelp.org

SMP Resource Center: 877-808-2468 | www.smpresource.org | info@smpresource.org

© 2023 Medicare Rights Center | www.medicareinteractive.org |

The Medicare Rights Center is the author of portions of the content in these materials but is not responsible for any content not authored by the Medicare Rights Center. This document was supported, in part, by grant numbers 90SATC0002 and 90MPRC0002 from the Administration for Community Living (ACL), Department of Health and Human Services, Washington, D.C. 20201. Grantees undertaking projects under government sponsorship are encouraged to express freely their findings and conclusions. Points of view or opinions do not, therefore, necessarily represent official Administration for Community Living policy.