

Wisconsin Senior Medicare Patrol Fraud Alert

September 2019

Senior Medicare Patrols (SMPs) 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.

Please feel free to share this publication with others who may benefit from its contents.

To contact WI SMP—

Call: (888) 818-2611

E-mail: smp-wi@gwaar.org

Website: <https://gwaar.org/senior-medicare-patrol>

Facebook: [@WisconsinSeniorMedicarePatrol](https://www.facebook.com/WisconsinSeniorMedicarePatrol)



Insurance Companies & Agents Have Guidelines

The Centers for Medicare & Medicaid Services (CMS) have established rules, regulations and guidelines that insurance companies, agents and brokers must follow when selling Medicare Advantage plans, Part D plans, cost plans, employer/union-sponsored group Advantage and Part D plans, and special needs plans. These rules and regulations are meant to prevent plans and agents from presenting misleading information and utilizing high pressure sales tactics. They also contain rules for how plan representatives may contact and market to beneficiaries.

With the upcoming Open Enrollment period, October 15—December 7, violations of these rules and regulations have been detected throughout the state.

Examples of Violations

- Marketing plans prior to October 1
- An insurance agent implying they are associated with Medicare
- Soliciting potential enrollees door-to-door
- Sending unsolicited text messages or voicemail messages
- Marketing or conducting sales activities in apartment and residential settings outside of the recreational or conference rooms
- Promoting one aspect of the overall plan, such as just the drug plan
- Asking for credit card, banking information, your Medicare or Social Security number to receive information
- Using high pressure sales tactics and/or incorrect information:
 - Threatening that your Medicare may end if you don't enroll
 - Saying you must enroll by a certain date

Violations Witnessed and Reported

- “If you don’t sign up now, you will be dropped from Medicare” —this is FALSE, you won’t be dropped from Medicare
- Knocking on doors at residential living settings —this practice is not allowed
- Trying to sell you a life insurance policy or an annuity at the same time you are discussing Medicare plans—not allowed

What Should I Do?

If you have witnessed any of these violations, or encounter any in the future, please do the following:

- Get the name of the company and agent
- The address of the company
- Collect any materials available
- Note the location and date
- Document any information related to the violation
- Contact the SMP at the information provided

What can ADRCs, senior centers, independent living centers, and others do to help?

- Familiarize yourself with the Medicare marketing regulations (An informational sheet follows this Alert)
- Spread the word about Medicare marketing regulations. Distribute SMP flyers and Fraud Alerts
- Screen any companies or people who want to give information or present to older adults on any health insurance topic
- Monitor behavior when agents are present
- Establish a policy to not allow representatives to collect personal information or Medicare numbers from attendees
- Establish a policy to not allow an agent, or visitor, to meet with any resident without verifying they have a previously arranged appointment
- Request Wisconsin Senior Medicare Patrol staff give a presentation to your group to educate beneficiaries on Medicare fraud

Wisconsin SMP is available for outreach events, educational sessions for beneficiaries, caregivers and professionals, workshops and exhibits at events.

Please contact us at smp-wi@gwaar.org for more information.



@WisconsinSeniorMedicarePatrol

PROHIBITED AGENT/BROKER BEHAVIOR for MA/PD PLANS	APPROPRIATE AGENT/BROKER BEHAVIOR for MA/PD PLANS
<p>Cannot state that they are from Medicare or use words or symbols, including “Medicare” in a misleading manner. For example, they cannot state that they are approved, endorsed or authorized by Medicare, are calling on behalf of Medicare, or that Medicare asked them to call or see the beneficiary.</p>	<p>May call a beneficiary who has expressly given advanced permission (e.g., submission of a business reply card or scope of appointment). The permission applies only to the plan or agent/broker the beneficiary requested contact from and specific to the product type(s) selected/requested.</p>
<p>Cannot solicit potential enrollees door-to-door (in person or via leaflet/flyer).</p>	<p>May call a beneficiary they enrolled in a plan to discuss plan business, as well as discuss the availability of other plan options/types within the same parent organization. Disenrolled beneficiaries may also be called for quality improvement purposes. Under limited circumstances, Low Income Subsidy (LIS) eligible enrollees may be contacted.</p>
<p>Cannot send unsolicited text messages and leave voicemail messages.</p>	<p>May call or visit beneficiaries who attended a marketing/sales event prior permission is given and documented.</p>
<p>Cannot approach beneficiaries in common areas (i.e. parking lots, hallways, lobbies, sidewalks).</p>	<p>May initiate a phone call to confirm an appointment. A second scope of the appointment must document additional product types of interest to the beneficiary that were not agreed to in advance.</p>
<p>Cannot conduct marketing/sales activities in healthcare settings except in common areas. Restricted areas include, but are not limited to exam rooms, hospital patient rooms, dialysis centers and pharmacy counter areas.</p>	<p>May conduct marketing/sales activities in common areas of healthcare settings. Appropriate common areas include waiting rooms, cafeterias, community or recreational rooms and conference rooms in hospitals, nursing homes, assisted living centers or other congregate housing.</p>
<p>Cannot make unwanted calls, including contacting beneficiaries under the guise of selling a non-Medicare Advantage (MA) or non-Prescription Drug Plan (PDP) product and allow the conversation to turn to MA or PDP. For example, an agent/broker cannot begin by selling a Medicare Supplement plan and then turn the conversation to MA or PDP products.</p>	<p>Must secure a signed scope of appointment (SOA), prior to the appointment, when practicable. A beneficiary may sign a SOA at a marketing/sales event for a future appointment. Marketing/sales events do not require documentation of beneficiary agreement.</p>
<p>Cannot provide meals at marketing/sales events.</p>	<p>Refreshments and snacks may be provided at marketing/ sales events.</p>
<p>Cannot conduct marketing or sales activities at an educational event including distributing marketing materials or enrollment forms.</p>	<p>May schedule appointments with beneficiaries who live in long-term care facilities and other congregate housing only upon request by the beneficiary.</p>