

FOCUS NEWS

Compliance Corner
July 2011

Business Reply Cards (BRC)/Self Mailers

Many of our contracted agents and agencies use direct mail as a way to generate leads. When doing so it is important to understand that the Centers for Medicare and Medicaid Services (CMS) regulations and guidelines apply, even if the material is generic in nature (i.e. no logo; product name; plan benefits or cost included).

Some points to consider:

Identify from whom the piece is coming – the document should include an agent or agency name.

The intent of the outreach should be clear, and if it is a self-mailer there needs to be a statement on the self-mailer that “this is an advertisement.”

There must be a mechanism to positively affirm Permission to Call (PTC).

If the intent is for the agent to *call* the consumer who returns the BRC, PTC must be explicit.

The following type of language needs to be included in the PTC mechanism – “Please <contact me/call me> to discuss <Medicare Advantage, Prescription Drug Plans, and Medicare Supplement Insurance Plans>.”

Simply stating “send me information” implies mail and is not acceptable. The example above also captures the scope of products being promoted.

In addition, the following disclaimer needs to be on the document – “By providing your contact information you are agreeing to be contacted by a <licensed agent/sales representative> by mail, phone or email to discuss Medicare Advantage, Prescription Drug Plans, and Medicare Supplement Insurance Plans.”

If an agent phone number is provided a statement needs to be included to clearly identify that calling the number will direct an individual to a licensed insurance agent/broker. For example; “...or call 1-XXX-XXX-XXXX to speak <to/with> a licensed insurance agent today.”

Consumer contact information must be an optional field. We may not list “required”, or “needed to ensure delivery”, etc...

Spousal **signature** lines are recommended. Information cannot be provided to the spouse (or any other Medicare eligible roommate, etc.), unless the spouse signs the BRC (unless the responder has Power of Attorney). This will help avoid any issues with unsolicited contacts resulting from “referrals” or a PTC not captured correctly as outlined in CMS regulations and guidelines.

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All agents are required to be in compliance with all CMS rules and Federal regulations. We anticipate and expect our agents act with the highest degree of integrity. We would like to remind you that UnitedHealthcare Medicare Solutions takes a zero tolerance stand on unethical behavior and our policies and procedures strictly prohibit activities that are not in the best interest of those we serve.

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Date of birth should be excluded. However, you may ask if the consumer is Medicare eligible.

All type should be 12 point font (or greater), Times New Roman or equivalent.

If using references to statistical data, studies, awards, etc., the source of the information needs to be cited with at minimum a source and date. Absolute superlatives such as “the best” must also be cited as noted above or modified to be used with a qualifier, “some of the best”.

The card/mailed should also state – “this is a solicitation for insurance”, etc., as appropriate.

If you have any questions about the use of Business Reply Cards/ Self Mailers please send them to Compliance_questions@uhc.com

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