



# OEP

2022 Agent  
Compliance Guide

# OEP FAQ

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In 2019, CMS reinstated the Open Enrollment Period, which provides you a great opportunity to grow your business. But the OEP also carries specific guidelines for how agents can and cannot market to clients during this period. And these guidelines may change based on CMS updates.

This whitepaper will cover the most up-to-date OEP compliance guidelines, along with simplified explanations and examples to clear up any confusion. But before we dive into the details, let's answer some common questions about OEP.

## What is the OEP?

The Open Enrollment Period is one of several enrollment periods that occur every year, providing an opportunity for Medicare Advantage enrollees to make a change to their existing plan. This can benefit any enrollees who are unsatisfied with their plan, network, or copay costs.

## How long does the OEP last?

The Open Enrollment Period runs from January 1st to March 31st.

## Who qualifies to use the OEP?

This enrollment period can be used by beneficiaries who are already enrolled in a Medicare Advantage plan as of January 1st. Newly eligible beneficiaries who enroll in an MA plan during their Initial Enrollment Period (IEP) have a separate OEP for 3 months following their plan's effective date.

## What can the OEP be used for?

Beneficiaries who qualify for the Open Enrollment Period can use it to make one of these one-time changes:

- Switch between MA or MAPD plans
- Switch from an MA plan to an MAPD plan
- Drop an MA or MAPD plan and return to Original Medicare

## What can it *not* be used for?

Certain changes cannot be made during the Open Enrollment Period, including:

- Switch from Original Medicare to an MA or an MAPD Plan
- Join a Medicare Prescription Drug Plan if already enrolled in Original Medicare.

# OEP Guidelines

After each CMS Guideline, we have included a translation from the original “legalese” to help avoid any potential misreadings that could cost you a sales allegation!



During the OEP, agents **may** conduct marketing activities that focus on other enrollment opportunities, including but not limited to:

- Marketing to age-ins (who have not yet made an enrollment decision.)

Agents can market to beneficiaries who have reached age 65, as long as they have not yet made a plan decision.

- Marketing by 5-star plans regarding their continuous enrollment SEP.

Agents can promote their highest rated plans to beneficiaries during their continuous enrollment Special Enrollment Period.

- Marketing to dual-eligible and LIS beneficiaries who, in general, may make changes once per calendar quarter during the first nine months of the year.

Agents can explicitly market their plans during OEP to enrollees who qualify for the low-income subsidy or dual-eligibility.

- Send marketing materials when a beneficiary makes a proactive request

Agents may market to beneficiaries that reach out first. For example, if a beneficiary contacts you to ask questions about Medicare or returns a lead card to be contacted by you.



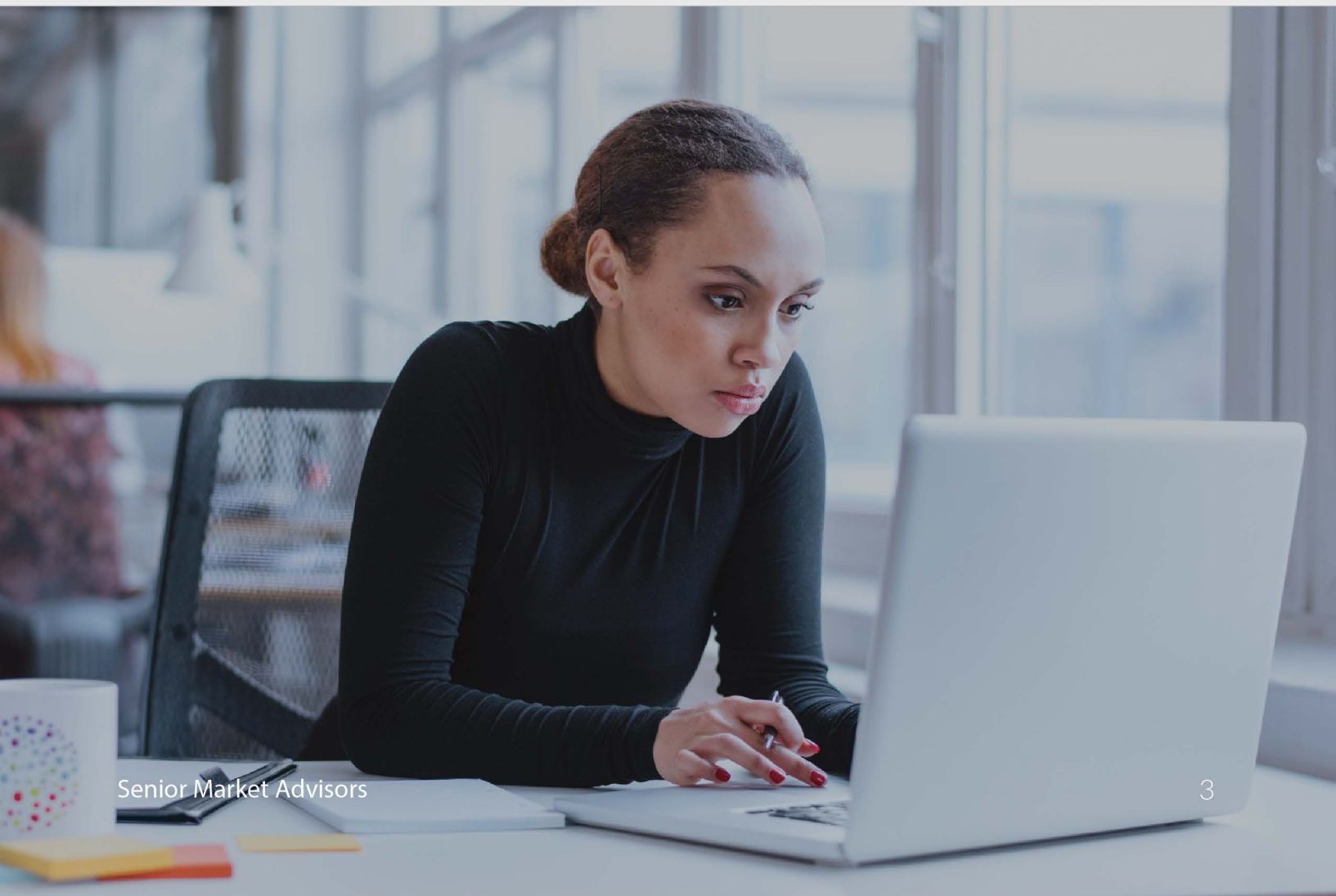
## OEP Guidelines (cont.)

- At the beneficiary's request, have one-on-one meetings with a sales agent.

Agents can give out marketing materials to beneficiaries who request an in-person or one-on-one appointment.

- At the beneficiary's request, provide information on the OEP through the call center.

Agents who work in a call center may give an enrollee information specific to the OEP but only if requested by the enrollee.



# OEP Guidelines (cont.)



During the OEP, agents and brokers **may not**:

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- Send unsolicited materials advertising the ability/opportunity to make an additional enrollment change or referencing the OEP.

Agents can't send mailers to beneficiaries with specific information about OEP. It must remain generic (e.g. a mailer with your name and contact information, asking beneficiaries to call you with any questions.)

- Specifically target beneficiaries who are in the OEP because they made a choice during the Annual Enrollment Period (AEP) by purchase of mailing lists or other means of identification.

Agents are prohibited from contacting beneficiaries who made a plan change during the previous AEP from purchased lead lists.

- Engage in or promote agent/broker activities that intend to target the OEP as an opportunity to make further sales.

Agents can't promote events or other activities that specifically mention the OEP intending to sell to new clients.

- Call or otherwise contact former enrollees who have selected a new plan during the Annual Enrollment Period.

Agents cannot reach out to former clients who chose to move to a new plan under a new agent during the previous AEP.

# OEP Compliant Conversations

Since you can't market directly during OEP, one of the best ways to take advantage of this enrollment period is to look to your existing clients. When checking up with your current MA customers, they may express dissatisfaction with their current plan or network. Once they have brought up the subject, you are permitted to explain their options to them.

Here are some examples of how to conduct these conversations with your clients in a compliant way:

| SCENARIO  | YOUR RESPONSE  |
|---|--|
| On a checkup call, a client mentions they are not satisfied with their plan.  | "I'm sorry to hear that! Can I ask you a few questions to determine if you qualify for a special enrollment period?"                                     |
| A client asks if they have to keep their current plan until the following October or if they have another chance to switch. | "Actually AEP ended on Dec. 7 but you may qualify for a special enrollment period. I can send you additional materials or set up a meeting."             |
| A client asks about other plan options in their area.   | "Sure, I can send you the materials for the plans in your area, and if you qualify for a special enrollment period, I can help you switch plans."        |
| You have set up a table at an event or retailer after AEP ends and someone asks about their enrollment options.             | "You may qualify for a special enrollment period where you can switch your plan right now! May I ask you a few questions to determine your eligibility?" |





## How SMA Can Help

Partnering with a field marketing organization, or FMO, like Senior Market Advisors could be a crucial part of your strategy for the OEP.

We can provide all the back office support you need to make the most of your year while staying compliant.

### SMA can help with:

#### ■ Compliance & Sales Training

With SMA, you have access to expert training from our team of industry pros. We host virtual training sessions with members of our sales and compliance teams where you can ask them the questions you have directly. You also have access to our backlog of training materials, covering everything from contracting to commissions.

#### Marketing Support

- Need compliant marketing materials? SMA's got you covered. We've got a large catalog of items including business cards, flyers, and pre-approved compliant mailers. Best of all, you can customize them with your brand information and colors.

#### Contracting & Licensing

- Our team of advisors are here to help you through the licensing and contracting processes to ensure you are complying with the laws of the areas where you want to sell.

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### Not partnered with SMA?

Visit the Contact page on our website at [www.seniormarketadvisors.com/contact](http://www.seniormarketadvisors.com/contact) to get in touch and find out what we can do for you!