



Memo Date: September 30, 2020

Memo Topic: Use of Agent and Broker for Education and Enrollment

To: All Medicare-Medicaid Plans

From: Dustin Welch, MHA, PAHM, South Carolina Department of Health and Human Services (SCDHHS)

Summary

In regards to the use of agents and brokers for education and enrollment activities into a Medicare-Medicaid Plan (MMP), and in accordance with the [2020 Marketing Guidance for South Carolina Medicare-Medicaid Plans](#) ("State marketing guidance"), SCDHHS restates that the use of Agents and Brokers is permitted following the provisions of the State marketing guidance.

Marketing Through Unsolicited Contacts

Section 40.2 of the State marketing guidance provides examples of unsolicited direct contact with current and prospective enrollees. We reiterate that marketing via conventional mail and other print media (e.g., advertisements, direct mail) **is not considered unsolicited contact and, therefore, is permissible**. We clarify that MMPs are allowed to initiate electronic communications only with current enrollees per section 30.6 of State marketing guidance.

Personal/Individual Marketing Appointments

The provisions of Section 50.3 – Personal/Individual Marketing Appointments of the State marketing guidance apply to MMPs, with the following modifications for appointments with agents and brokers:

- Agents and brokers are not permitted to conduct unsolicited personal/individual appointments.
- An individual appointment must only be set up at the request of the beneficiary, his/her authorized representative, or the state's broker or options counselor. An MMP agent/broker can offer an individual appointment to a beneficiary who has contacted the MMP to request assistance or information. MMP agents/brokers are prohibited from making unsolicited offers of individual appointments.

- An MMP's agent/broker must make reasonable efforts to conduct an appointment in the beneficiary's preferred location. An MMP's agent/broker cannot require that an individual appointment occur in a beneficiary's home.

MMP Initiated Enrollment Requests

If a beneficiary contacts an MMP and requests to enroll into the MMP, it is permissible for the MMP to initiate a three-way phone call with the SCDHHS enrollment broker, Maximus, to continue facilitating the enrollment request and stay on the call while Maximus conducts the remaining steps to process the enrollment request. MMPs cannot directly enroll a beneficiary into a plan as both Medicare and Healthy Connections Medicaid enrollment must be validated prior to enrollment. All Healthy Connections Medicaid program enrollment is facilitated by Maximus.