



AgentMethods

CMS COMPLIANCE WEBSITE CHECKLIST FOR INSURANCE AGENTS OFFERING MEDICARE PRODUCTS

Don't just make sure your content is compliant – remember your website as well! As an insurance agent, there are a number of rules you'll need to follow to ensure your website remains compliant with CMS.

AGENT INFORMATION

- #1** ☐ Agent titles must not mislead consumers into thinking the agent is affiliated with the Federal Medicare Program.

Your relationship with your clients is based on trust and transparency. Failing to explicitly state that you are not affiliated with the Federal Medicare program could influence a client's decisions with regard to the products you offer.

Source – 422.2262(a)(1)(xi)

- #2** ☐ Avoid using terms like “advocate” or “expert” in reference to a licensed insurance agent unless it can be substantiated, is approved, and is used in conjunction with “licensed sales agent” or “licensed insurance agent”

Using vague descriptors like “advocate” or “expert” can lead to confusion, should clients have a different understanding of these terms than you intend. Avoiding these labels helps to maintain clarity about your qualifications and the scope of your expertise.

Source – 422.2274(b)(1), 423.2274(b)(1)

- #3** ☐ Agency/Broker name or logo must be visible on the website

In addition to maintaining transparency among prospects and clients, prominently displaying your name and logo on your website is critical to nurture your agency's brand. The market for insurance products and services is highly competitive, and as such, any efforts to clearly communicate your unique value to your clients is a best practice.

Source – 422.2274(b); 423.2274(b)



DISCLAIMERS

- #4** ☐ Include a TPMO (third-party marketing organization) disclaimer on all websites, print and electronic communications, except for communications materials that do not include any marketing content. *For example:*

[We do not offer every plan available in your area.]

Currently, we represent [insert number of organizations] organizations that offer [insert number of plans] products in your area. Please contact [Medicare.gov] (<http://medicare.gov/>), 1-800-MEDICARE, or your local State Health Insurance Program to get information on all of your options.

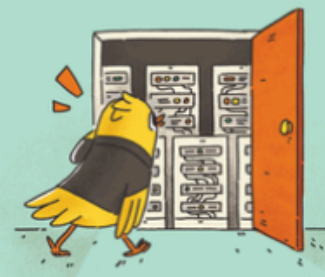
Third-party insurance agents are prohibited from misrepresenting themselves as being endorsed or directly affiliated with the insurers of the products they sell. This standardizes the manner in which information is presented to consumers, and prevents all agents from making statements about themselves that might influence a client's decisions based on those false pretenses.

Source – 42 CFR 422.2267(e)(41)(v); 42 CFR 423.2267(e)(41)(v)

- #5** ☐ Some states also require (and we recommend including): “NOT AFFILIATED WITH OR ENDORSED BY THE GOVERNMENT OR FEDERAL MEDICARE PROGRAM.”

As is the case with other recommendations shown here, displaying this disclaimer helps build client trust and reduce confusion by differentiating your communications and sales materials from official communications clients may receive from Medicare or other government agencies, in addition to avoiding fines for deceptive marketing practices.

Source – 422.2262(a)(1)(xi); NAIC MODEL RULES GOVERNING ADVERTISEMENTS OF MEDICARE SUPPLEMENT INSURANCE Section 12(G)



LEAD GENERATION

- #6** ☐ Include a clear transfer from communication to marketing activity, in order to obtain consent (i.e. “Transfer to a sales or enrollment representative...”)

Clear and explicit consent for marketing activities is required by many Federal and State regulations. This ensures that consumers are not subjected to unsolicited or misleading sales tactics. This also helps to build your agency's reputation by allowing clients the freedom to opt out of a sales discussion until they feel ready to proceed.

Source – MCMG; 422.2274 (g)(3)(ii)

- #7** ☐ Marketing materials including phone numbers to call should also include a disclaimer stating that the consumer would be calling a licensed insurance agent.

This disclaimer allows clients to know that the conversation may include marketing or sales information about the products in which they are interested. It also provides some measure of reassurance about the quality and reliability of the advice provided by you and other agents.

Source – 422.2274(g)(ii)

- #8** ☐ Always gain consent to contact. Example: “BY PROVIDING THE INFORMATION ABOVE, I GRANT PERMISSION FOR A LICENSED INSURANCE AGENT TO CALL OR EMAIL ME”. For Med Supp leads, also include: “This is a solicitation for insurance.”

Explicit consent from consumers is often required before you are allowed to contact clients directly. Including this disclaimer also helps to build trust and confidence among clients, which is especially necessary when concerning sensitive topics like healthcare and personal finances.

Source – 422.2274(g)(3)(i)(A)

[Launch A Compliant Website](#)