

Breaking News - CMS Publishes Final Rule Regulating Field Agent Call Recordings

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CMS published a final ruling on 5/9/2022 announcing policy and regulatory revisions for Contract Year 2023. In this publication, **ONE VERY IMPORTANT CHANGE** states that field agents must record all calls with beneficiaries in their entirety, including the enrollment process. Many believe that this is in response to the barrage of deceiving TV commercials that have been airing recently.

The following is a summary of the changes published:

- All field agents must begin recording all phone calls with beneficiaries
- The disclaimer “I/We do not offer every plan available in your area. Please contact medicare.gov or 1-800-MEDICARE to get information on all your options” must be conveyed as follows:
 1. Verbally conveyed within the first minute of a sales phone call.
 2. Electronically conveyed when communicating with a beneficiary through email, online chat, or other electronic means of communication.
 3. Prominently displayed on third party marketing organization websites
 4. Included in any third-party marketing organization marketing materials, including print materials and television advertisements.

Both NAHU and AHIP have commented on the proposed rule on behalf of agents, claiming that these measures won't address the problem that CMS is attempting to solve. They have requested that CMS suspend the marketing section of the rule until there is a stakeholder meeting.