



GORDON MARKETING - Agent Code of Business Conduct

**There is no quality more important than integrity.
This applies to a business just as it does to an individual.
Integrity is the core value of Gordon Marketing's Code of Business Conduct.**

Compliance with the law and honesty and integrity in our dealings with Medicare beneficiaries, plan sponsors/carriers, providers, regulatory agencies and others are not to be sacrificed in the name of profits. Management does not and will not condone any such action.

Gordon Marketing takes all marketing misconduct allegations, any non-compliance and Fraud, Waste and Abuse (FWA) seriously. Depending on the nature of the violation (**accidental, inadvertent or purposeful misconduct**), the agent will be subjected to discipline by our office with immediate contact to review the situation. We will conduct a thorough investigation, take immediate action to remediate, as detailed below along with notifying the appropriate Plan Sponsors / Carriers) of all findings.

Any agent found to be NOT adhering to the guidelines as set forth within the CMS guidelines, may be subject to termination, administrative sanction, and / or subject to criminal prosecution or sanctions by the Department of Insurance.

If it is determined that the agent knowingly and willfully disregarded compliance, agent termination may result.

These steps may include;

- On-site re-training
- Reviewing the guidelines as set forth by CMS
- Required attendance at an upcoming seminar.
- Verbal counseling
- Agent termination

Our success will be attained through compliance with the law, dealings evidencing fairness and integrity and a commitment to quality. We expect your wholehearted support of these Company values and principles.

This Code of Business Conduct does not cover every issue that may arise, but it sets out basic principles to guide all agents in the execution of their day to day marketing activities. These guidelines are not all inclusive, but a summary of agent responsibilities.

For complete information regarding CMS marketing guidelines go to:

<http://www.cms.gov/Medicare/Health-Plans/ManagedCareMarketing/index.html>

What is your responsibility to CMS as an agent?

- To adhere to CMS Medicare Marketing Guidelines and other CMS regulations. This includes, but is not limited to, all of the information presented in Plan Sponsor/Carriers Contract, Broker Training Program, Code of Conduct, Producer Manual and other CMS guidance issued for agents.
- To comply with Federal and State laws and regulations related to insurers, general agents and brokers that are specific to Medicare Advantage (MA) and Medicare Prescription Drug Plans (PDP).
- To prevent fraud, waste, and abuse, including but not limited to, applicable provisions of Federal criminal law and the False Claims Act.
- To comply with the Anti-Kickback Statute of the Social Security Act and the Civil Monetary Penalty prohibiting inducements to beneficiaries.
- To adhere to State license and appointment laws.

How will you remain compliant with CMS marketing guidelines?

- Agents must only use CMS and Plan Sponsor/Carrier approved marketing/presentation materials, sales scripts and inbound/outbound call scripts.
- Agent may not use any wording on any business card that would lead a consumer to assume that the agent works for the government (The Department of Health and Human Services, CMS Medicare or Social Security). Agent cannot state that they are from Medicare or calling on behalf of Medicare or that they are part of the Social Security Administration or the Department of Health and Human Services, or that they work with Health and Human Services. Some states also prohibit agents from using the word “specialist”.
- CMS requires specific disclaimers and information to be present on materials seen by beneficiaries in any format (electronic, written hardcopy, website). Do **not** use any materials unless the approval notation and an actual date of approval or use are indicated; approval is indicated on each piece with a notation that states the date it was CMS approved or allowed for use.
- All beneficiary advertisements and communications must be approved by the Plan Sponsor/Carrier **prior** to use, including materials generic in nature, or materials previously CMS approved for another Plan and website content. Unique materials that you would like to use must be provided to the Plan Sponsor/Carrier **prior** to use for review and possible CMS filing/approval.
- Use only the pre-approved sales kit provided by the Plan Sponsor/Carrier which include the following items: Cover Letter, Summary of Benefits, Comparison Chart, Enrollment Application and Checklist, Formulary and Sales Brochure.
- Agent may **not** make erroneous or misleading written or oral statements, including any statement, claim, or promise that conflicts with, materially alters, or erroneously expands upon the information contained in CMS-approved materials.

- Agent may **not** conduct door-to-door solicitation or “*cold calling.*”
- Agent may **not** contact any beneficiary unless the beneficiary initiates the contact or has given permission to be contacted.
- Agent may **not** contact former members who have disenrolled or to current members that are in the process of disenrolling.
- Agent may **not** approach beneficiaries in common areas (i.e., parking lots, hallways, lobbies). Beneficiaries must initiate contact.
- Do **not** send emails to eligible Medicare recipients unless they agree to receive them at the time of providing their email address. This consent must be documented.
- Agents are **not** permitted to buy, acquire or rent email lists to distribute information about MA plans.

Outbound Telemarketing Activities

- Outbound calls are permitted to beneficiaries requesting contact (i.e., a beneficiary completed/submitted a business reply card).
- Outbound calls are permitted to existing members to: 1) conduct normal business related to enrollment in the Plan; 2) resolve eligibility issues; and 3) to perform disenrollment surveys.
- Must adhere to the Federal Communication Commission rules and Federal Trade Commission requirements for sellers and telemarketers and applicable State laws.
- Must comply with regulations for both National and State *Do-Not-Call* Registries, and honor “do not call again” requests. Must abide by all Federal and State calling hours.
- Enrollment by outbound telemarketers is **not** permitted.
- For circumstances where outbound calls are permitted, outbound scripts must be submitted for review and approval by Plan Sponsor/Carrier and CMS **prior** to use in the marketplace. Scripts must include a privacy statement clarifying that the beneficiary is not required to provide any information to the Plan representative, and that the information provided will in no way affect the beneficiary’s membership in the plan.
- An agent **may** initiate a call to confirm an appointment that has already been agreed to by the beneficiary.
- Agents may **not** call to confirm receipt of mailed information.
- All in-home or personal/individual sales presentation meetings must be agreed to by the beneficiary in advance, including the types of products to be discussed at the appointment (scope of products such as MAPD or PDP), and that agreement **must be documented** as the Scope of Appointment.

- Agent **MAY NOT** leave an enrollment form or market products the beneficiary did not agree to discuss when the appointment was scheduled.
- Agent must promptly submit the enrollment with the scope of appointment.
- Agent may not accept gifts or other financial incentives as an inducement to enroll consumers into a plan.
- Agent must use their assigned agent number and not use any other agent number or allow the use of their agent number on an enrollment that they do not complete.
- Agent shall not discriminate by reason of race, creed, color, sex, age, national origin or economic status. The enrollments in any product shall not be predicated on age or medical condition, except as provided by federal rules of access to Medicare. Agent understands that discrimination based on health status or disability is prohibited, and that marketing materials and sales meetings must be accessible to the disabled.

Educational Events

- Agent may not discuss plan-specific benefits, distribute plan-specific materials, distribute or display business cards, collect applications, schedule appointments, ask if participants would like plan information. Agent may not make a Sales Presentation, **collect applications** or provide meals. Event should be 'social' the agent may provide give-a-ways or free items including entertainment, but cannot exceed \$15 per attending person. Agent cannot distribute or display business reply cards, scope of appointment forms, or sign-up sheets. No marketing activities or materials are allowed at educational events
- May **not** attach business cards or plan/agent contact information to any educational materials.
- Agent must file with Plan Sponsor/Carrier and CMS a Sales Presentation/Sales Event and for such events, adhere to the guidelines for Marketing/Sales Event.
- Agent must keep insurance license, appointments, and E & O current, and complete the annual certification requirements for each plan sponsor/carrier that they are appointed to sell.
- Agent understands that they must report any identified issues of non-compliance and /or FWA promptly to Gordon Marketing Compliance Department, and the appropriate Plan Sponsor/Carrier contact.
- CMS has strict website guidelines and all websites **MUST** be approved by Plan Sponsor and CMS.
- Agents is responsible for following all Federal and State laws regarding confidentiality and disclosure of patient information to plan sponsors for marketing purposes. This obligation includes compliance with the provisions of the HIPAA Privacy Rule and its specific rules regarding uses and disclosures of beneficiary information.

Agent Name (Please Print)

General Agent Name (Please Print)

This acknowledgement should be returned by either fax or email to:

TO: Gordon Marketing (800) 388-8342
Attention: Compliance Dept.
Fax: (866) 480-2407 or email to tlanders@gordonmarketing.com

From: _____ Number of Pages: _____

ACKNOWLEDGEMENT

Gordon Marketing requires that all Agents review this Agent Code of Business Conduct and acknowledge their understanding and adherence in writing on this form.

**Your Personal Commitment to the
Gordon Marketing
Agent Code of Business Conduct**

I acknowledge that I received and read a copy of the Gordon Marketing Agent Code of Business Conduct and that I understand it. I will comply with the code. If I learn that there has been a violation of the code, or I do not understand any portion of these guidelines I will contact my General Agent or Gordon Marketing's Compliance Officer, Theresa Landers. I acknowledge that this code is not a contract and does not replace or alter any guidelines set forth by the Plan Sponsor / Carrier and CMS.

Dated: _____

Agent Signature

Gordon Marketing Compliance Officer

General Agent Signature