

“Wait, OEP, what’s that?”

The 21st Century Cures Act eliminated the Medicare Advantage disenrollment period that used to take place each year, from January 1–February 14. In 2019, a Medicare Advantage Open Enrollment Period (OEP) will run from January 1–March 31.

If a beneficiary is enrolled in a Medicare Advantage plan, they’ll have a one-time opportunity to:

- Switch to a different Medicare Advantage plan.
- Drop their Medicare Advantage plan and return to Original Medicare, Part A and Part B.
- Sign up for a stand-alone Medicare Part D Prescription Drug Plan (if they return to Original Medicare).

“What can’t beneficiaries do during OEP?”

Some activities are off limits for beneficiaries. During OEP, they can’t:

- Switch from Original Medicare to a Medicare Advantage Plan.
- Join a Medicare Prescription Drug Plan, if they’re in Original Medicare.
- Switch from one Medicare Prescription Drug Plan to another, if they’re in Original Medicare.

“So what can’t I do during OEP?”

- **No soliciting.** You can’t share materials advertising the ability to make a plan change or referencing the OEP in any way.
- **No targeting.** Don’t purchase a mailing list or do anything else that might help you identify beneficiaries who are in the OEP because they made a choice during the Annual Enrollment Period.
- **No trying to change anyone’s mind.** You may not contact former enrollees who have selected a new plan during the Annual Enrollment Period.
- **No sales activities.** You can’t engage in or promote any activities that intend to target the OEP as an opportunity to make further sales.

“OK, what should I do this OEP?”

- **Keep marketing!** Conduct marketing activities that focus on other enrollment opportunities, including age-ins who haven’t yet made an enrollment decision, and also dual-eligible and LIS beneficiaries.
- **Be responsive!** You can send marketing materials to beneficiaries who make a proactive request for them.

Humana is a Medicare Advantage [HMO, PPO and PFFS] organization and a stand-alone prescription drug plan with a Medicare contract. Enrollment in any Humana plan depends on contract renewal.

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If you have questions, Humana has answers.

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Open Enrollment Period Guidance Document

Overview: The Medicare Open Enrollment Period (OEP) occurs annually from January 1 to March 31. CMS has developed very specific marketing rules as pertains to the OEP. Plans/Part D sponsors are prohibited from knowingly targeting or sending unsolicited marketing materials to any MA enrollee or Part D enrollee during the continuous OEP.

Enrollment: During the MA OEP, MA plan enrollees may enroll in another MA plan or disenroll from their MA plan and return to Original Medicare. Individuals may make only one election during the MA OEP. The effective date for an MA OEP election is the first of the month following receipt of the enrollment request. The information below outlines who can use the MA OEP and when:

Who Can Use the MA OEP:	When the OEP Occurs:
+ Individuals enrolled in MA plans as of January 1	+ January 1 – March 31
+ New Medicare beneficiaries who are enrolled in an MA plan during their ICEP	+ The month of entitlement to Part A and Part B – the last day of the 3rd month of entitlement

During the MA OEP, individuals may also add or drop Part D coverage. Individuals enrolled in either MA-PD or MA-only plans can switch to:

- MA-PD
- MA-only
- Original Medicare (with or without a stand-alone Part D plan)

***NOTE:** The MA OEP does not provide an opportunity for an individual enrolled in Original Medicare to join a MA plan. It also does not allow for Part D changes for individuals enrolled in Original Medicare, including those enrolled in stand-alone Part D plans. The MA OEP is not available for those enrolled in Medicare Savings Accounts or other Medicare health plan types (such as cost plans or PACE).*

During OEP Marketing Guardrails

During OEP, Agents <u>MAY</u>	During OEP, Agents <u>MAY NOT</u>
Market to age-ins who have not yet made an enrollment decision	Knowingly target or send unsolicited marketing materials to any MA enrollee or Part D enrollee during the OEP. “Knowingly” takes into account the intended recipient as well as the content of the message
Market the 5-star continuous enrollment SEP (if applicable)	Send unsolicited materials referencing the OEP or advertising the ability to switch plans
Market to dual-eligible and LIS beneficiaries who may make changes once per calendar quarter during the first nine months of the year	Call or contact former enrollees who selected a new plan during the AEP
Send marketing materials when a beneficiary makes a proactive request	Target beneficiaries who are in the OEP due to making a choice during the AEP

At the beneficiary's request, have one-on-one meetings with a sales agent	Engage in or promote agent activities to target the OEP as an opportunity to make further sales
At the beneficiary's request, provide information on the OEP through a call center	

Questions and Answers

Outside of OEP – What can agents provide to current and prospective members outside of OEP related to the upcoming Open Enrollment Period?

1. Can agents inform consumers during AEP about the OEP?

Information related to the OEP could be included as part of an election period discussion.

2. Can information about the OEP be included in any collateral (communication or marketing) being sent out during AEP?

It would depend on the intent of the piece. Creating a special flyer specifically calling out the OEP, or outlining the options a member has during the Open Enrollment Period would likely be considered marketing the OEP by CMS. If it includes information about other election periods, SEP, then it can be submitted for consideration via corporate internal review process. As a reminder, agents may only use materials that have been reviewed and approved through Humana's internal review process.

3. Can agents inform consumers about the OEP at one-on-one appointments during AEP? For example, if someone asks what their options are for enrollment, the agent states: "AEP ends on Dec 7. But if you are enrolled in an MA or MAPD plan as of Jan 1, you are allowed to make one plan change during OEP which runs from Jan 1 – Mar 31 each year."

Only if someone is specifically asking about their options for enrollment, it would be acceptable to answer the question with all of their options for enrollment, including the OEP.

4. Can agents advise current or prospective members between now and Dec 31 to call them during OEP if they want to make a plan change?

No, this would likely be considered an activity that intends to target the OEP as an opportunity to make further sales.

5. Can agents obtain PTC forms during AEP to contact someone during OEP?

No, this would likely be considered an activity that intends to target the OEP as an opportunity to make further sales.

During OEP (Jan 1 – Mar 31) – What can agents provide to current and prospective members during the Open Enrollment Period?

1. Agents frequently contact their book of business to check in and see how their plan is working for them (30, 60, 90 day calls). During OEP, can agents inform their clients that they have the ability to make a plan choice if they are not satisfied?

Only if the beneficiary indicates dissatisfaction with the plan they've selected, the agent can discuss all applicable election periods with the consumer (SEP, OEP, etc.)

2. What if someone expresses concern about their current plan, can the agent state that if they are not satisfied with their plan choice they have a one-time election code to make a change during Open Enrollment Period?

If the beneficiary indicates dissatisfaction with the plan they've selected, the agent can discuss election periods with the consumer (SEP, OEP, etc.).

3. What is considered “initiated by the beneficiary”?

Examples include, but are not limited to:

A consumer is expressing any sort of dissatisfaction with the plan they've selected. Such as “I really don't like this PPO plan I selected, can I pick another plan?” “Do I have to keep this plan until next Oct. or do I have a chance to change before then?” “Can you tell me what other plans you have in my area?”

As a reminder, unsolicited phone calls are never permitted.

4. Can Walmart staffing continue during the first quarter 2019?

Yes, agents can continue to staff Walmart as long as they are not proactively advertising or asking/approaching individuals about the OEP. The agents can respond to questions regarding an SEP or, if someone requests, about the OEP.

5. What does an agent need to do during OEP to demonstrate that he/she is marketing a special election period (at informal events, for example) rather than marketing the OEP?

The agent would need to be clear at the onset of the event that the purpose is to market Medicare plans to those who may qualify through a SEP. The content presented at the event would need to be reviewed and approved through the Corporate Review process, and should not focus primarily or exclusively on the OEP.

6. Could agents wear a button that said something like “Ask me about OEP” or “OEP?”

No. The agent could, however, have a button that says “Ask me About Medicare Plans”.

7. There are currently RV’s that drive around and agents conduct informal marketing events from them. Can that continue during OEP?

Yes but, the agents can only discuss election periods with the consumer (SEP, OEP, etc.) if consumer is asking about their plan change options.

OEP Agent Participation in Provider Activities

Providers should always consult with their own legal and compliance team regarding any events to ensure compliance with CMS and OIG guidelines, and any other applicable laws and regulations.

1. Can Humana sales agents participate in a provider practice new patient onboarding or patient appreciation events during OEP?

Yes, Agents are permitted to participate in a sales/marketing or educational capacity in provider offices and events, as long as they are not advertising or asking/approaching individuals about the OEP, and all CMS and Humana event guidelines are followed. Agents should advise the provider practice that the provider should also not discuss the OEP at the event. Agents can respond to questions regarding an SEP or, if someone requests, about the OEP. Additionally agents should not specifically target those who have already made a plan election during AEP. All Agents must use Humana approved materials when conducting any educational or sales/marketing events. All applicable policies and guidelines must be followed; please refer to the following policies:

- *CPL-024 - Policy on Sales and Marketing in a Health Care Setting*
- *CPL-042: Policy on Tracking Educational and Marketing Events*
- *Guidelines for Provider-Plan Events and Communications by Providers about Plans-Medicare*

2. Is it correct that provider-initiated activities and events as categorized by MCMG fall outside of the definition of marketing (Section 60-1 Provider-Initiated Activities)

meaning providers can continue their patient acquisition and patient activities all year, including OEP?

*Provider-initiated activities are those conducted by a healthcare professional, including pharmacists, at the request of the patient or as a matter of a course of treatment, when meeting with the patient as part of the professional relationship between healthcare provider and patient. Provider-initiated activities **do not include** those conducted at the request of the Plan/Part D sponsor or pursuant to the network participation agreement between the Plan/Part D sponsor and the provider. MCMG Section 60.1 also states that provider-initiated activities do not include those conducted at the request of the plan; therefore, the activities must truly be initiated by the provider and NOT at the request of the plan or conducted on behalf of the plan. Please note that this does not permit a provider to market the OEP. A provider's marketing of the OEP would likely be considered prohibited.*

3. Can provider-initiated activities such as city-tours bundled with a medical practice tour and meal be promoted by the provider, so long as the value of the tour plus the giveaways plus meal, meet nominal value? Can the event include a Humana sales representative to attend in a non-marketing support role? Can these provider-initiated, patient acquisition events/activities be conducted year-round, including OEP?

Note: City-tours are conducted on a trolley bus.

Providers should consult with their own legal and compliance team regarding any events to ensure compliance with CMS and OIG guidelines and any other applicable laws and regulations. A Humana agent should not be present/sit on the bus or participate in this event type in any way.

Enrollment Guidance

1. CMS guidance indicated the effective date is nearest as reasonable to carrier receive date. For instance, 2/1 would be a 3/1 effective.

Correct, Per Chapter 2 Enrollment Manual section 30.5 "The effective date for an MA OEP election is the first of the month following receipt of the enrollment request".

2. If a member submits 2 applications during OEP, do we honor application date or receive date. For instance, member submits paper with one agent and then calls a call center right after and submits online.

Here, we would use the receipt date to honor the enrollee's request. Per Chapter 2 Enrollment Manual section 30.5 "Individuals may make only one election during the MA OEP." Whichever 'complete' application (per CMS guidance) is received and processed first will exhaust the enrollee's one OEP election.

3. Will the 30-day free look not exist for OEP since consumers are only able to make a one-time switch? In other words, if a consumer switches from one MA plan to another MA plan, and is unhappy with the new MA plan, that consumer is "stuck" and cannot go back to original Medicare or their old MA plan, correct?

Correct, Per Chapter 2 Enrollment Manual section 30.5, enrollees have only one OEP election. There is no 'free look' provision with MA/PD products only with Medicare Supplement plans. Consumers are 'locked in' once the one OEP election is utilized.