

Copeland Group, USA, Inc., DBA Copeland Insurance Group

Policy Title:	Marketing Material Submission Review		
Policy Number:	CG-CC-0090	Effective Date:03/11/2014	Last reviewed 09/15/2021 Most current revision 09/15/2021
Purpose:	To provide guidance to agents/brokers for developing compliant marketing material		
Date written:	2-28-2014		
Written by:	Cathy Gatlin		
Approved by:	The Copeland Group Compliance Committee Date:03-11-2014		
Compliance Officer Signature	<i>Cathy Gatlin</i>		

**Policy:** Marketing material submission review.

**Purpose:** To prevent the use of unapproved materials and ensure the use of current CMS or generic approved material.

**Procedure:**

Copeland Insurance Group Compliance Officer will conduct oversight of all marketing material submitted by agents/brokers. Agents/brokers will be instructed through email and website to submit materials to Copeland Insurance Group for review. Copeland Insurance Group captive agents, and all Sales and Marketing employees are also required to submit any marketing material they wish to utilize or any marketing material they have received from our downline. All materials must be compliant with Medicare Communications and Marketing Guidelines. Corrections needed will be communicated to the agents/brokers from the Copeland Insurance Group Compliance Officer through written and oral communications. The guidelines below will be reviewed and updated as regulatory changes occur. The Compliance Officer will submit the materials to the Health Plan for approval as needed.

**Marketing Materials**

Branded materials must receive Plan and CMS approval prior to use. Copeland Group USA, Inc. is responsible for reviewing and submitting proposed content to the appropriate Plan contact. Marketing materials are only used once approved by both the Plan and CMS.

Generic materials, which do not require prior Plan and CMS approval, are reviewed internally by Copeland Group USA, Inc. to ensure compliance and verify accuracy before publication and/or dissemination.

***Below are the general discipline steps for non-adherence with Marketing Material guidelines provided within this policy. Steps may be added or removed at the discretion of Copeland Group USA, Inc., or the carrier.***

**First offense:** Coaching to complete correction/corrections needed of the marketing material. The coaching may be provided by the carrier and/or Copeland Group USA, Inc. Compliance Officer with a set time frame for completion. Remedial Training may be required by the carrier or Copeland Group USA, Inc.

**Second offense:** If the agent fails to make correction and still utilizes the marketing material, depending on the severity of the correction needed, the agent may be ordered by the carrier or

Copeland Group USA, Inc. Compliance officer to use only preapproved materials, face suspension, or possibly termination. **If the carrier has stricter guidelines relating to failure to comply with the guidelines provided within this policy, the carrier rules supersede the above-described guidelines.**

**All advertising material will be checked against (but not limited to) the following guidelines to determine if the material is communications or marketing material.**

- Material does not market for an upcoming plan year prior to October
- Health Logos or Brands
- Plan Specific Names
- Product Specific (plans)
- Benefit Information
- Does the material refer to a plan(s) 'Star Ratings'?

### Lead Cards / Business Reply Cards (BRC)

Does the BRC document the products the agent intends to market?

Recommended statement: 'Please have a sales agent call me to discuss Medicare Advantage and Prescription Drug plans, and Medicare Supplement Insurance Plans.'

Does the BRC include a statement informing the consumer **who will contact them and by what method(s)**?

Recommended statement: "By returning this card, you are granting permission for a licensed sales agent to contact you by phone, mail or email to answer your questions or provide additional information about Medicare Advantage Plans, Medicare Prescription Drug Plans and Medicare Supplement Insurance."

Does the material require the consumer(s) to provide contact information?

Does the material ask for the consumer's 'date of birth'?

Does the material clearly identify who the sender is? This may be achieved by including an agent name or the agency name. Recommended Statement:

**John Doe**  
**Sales agent or Doe Insurance Agency**  
**(may include logo)**

### All Material

Does the content when printed, have text with a font size equivalent to or larger than Times New Roman twelve (12)-point?

Is the content inaccurate, misleading, or does it otherwise make misrepresentations? (e.g., incorrect enrollment period title)

Does the content include the use of absolute superlatives? (e.g., the best; the biggest; the highest ranked)

Does the content include the terms Medicare; CMS or the Department of Health & Human Services (DHHS)? It is forbidden for any person to use words or symbols, including "Medicare," "Centers for Medicare & Medicaid Services," "Department of Health and Human Services," or "Health & Human Services" in a manner that would convey the false impression that the business or product mentioned is approved, endorsed, or authorized by Medicare or any other government agency.

**Events:** Advertisements and invitations to sales/marketing events (in any form of media) used to invite consumers to attend a group session with the possibility of enrolling those individuals must include the following two disclaimers:

“A salesperson will be present with information and applications.” “For accommodation of persons with special needs at sales meetings call <insert phone number and TTY711>.”

Educational events must be explicitly advertised as “educational,” otherwise, they will be considered by CMS as sales/marketing events

Educational Disclaimers: This event is for educational purposes and no plan specific benefits will be shared. “For accommodation of persons with special needs at meetings call <insert phone number and TTY711>.”

If material includes information regarding a prize or drawing it must include one of the following disclaimers. “Eligible for a free drawing and prizes with no obligation to enroll” or “Free drawing without obligation to enroll.” (note – the retail nominal gift amounts may not exceed \$15.00)

### **This section represents Business Policy Requirements**

Agent Titles – Is the agent title appropriate?

Agent titles must accurately state your relationship to the Health Plan and provide an accurate title that reflects the intent of the contact with the consumer.

The term “sales” and “agent” is recommended to be included in the title.

Titles that include the term “Medicare” or mislead the consumer on the agent’s intent is prohibited.

#### **Examples of prohibited agent titles:**

- Medicare Sales Agent
- Senior Advisor
- Medicare Specialist

#### **Examples of approved agent titles:**

- Sales Agent
- Licensed Sales Agent
- Licensed Sales Representative

### **Terms**

The term ‘free’ may not be used as related to benefits. (Example: Free Exam; Free Gym Membership)

The term ‘senior’ may not be used in reference to your audience in a way that may imply plans, or an agents Medicare related services are only available to “seniors”.

(Example: Sales Meeting for Seniors)

The term ‘entitled’ must be accurately used when it relates to Federal Medicare products. You may use ‘eligible’.

**Product Names** CMS has requested use of full product specific titles when referring to Medicare Advantage Plans and Part D Prescription Drug Plans. Simply using “Medicare plans” is only appropriate when speaking to multiple product types (MA/PDP).

Medicare Supplement, citing the 2014 Medicare and You guide, has requested that when referring to a Medigap policy, you identify it as “Medicare Supplement Insurance”. This should be done when it is first mentioned within the materials.