

The CY2024 Medicare Advantage/Part D Final Rule updated certain sections of the CFR to accommodate new requirements/obligations for *third-party marketing organizations*

What does CMS classify as a “third-party marketing organization?”

Per [422.2260](#) and [423.2260](#), “third-party marketing organization” (TPMO) means an organization or individual, including independent agents and brokers, who are compensated to perform lead generation, marketing, sales, and enrollment-related functions as a part of the chain of enrollment into a Medicare Advantage or Part D plan.

- May be a first-tier, downstream, or related entity (FDR) or provide applicable services to an FDR as a vendor

Standardized Disclaimers

- Per [422.2267\(e\)\(41\)](#) and [423.2267\(e\)\(41\)](#), TPMOs must* use the following standardized disclaimer

We do not offer every plan available in your area. Currently we represent [insert number of organizations] organizations which offer [insert number of plans] products in your area. Please contact Medicare.gov, 1-800-MEDICARE, or your local State Health Insurance Program (SHIP) to get information on all of your options.

If a TPMO sells for all MAOs in a service area, required to use the following disclaimer:

Currently we represent [insert number of organizations] organizations which offer [insert number of plans] products in your area. You can always contact Medicare.gov, 1-800-MEDICARE, or your local State Health Insurance Program (SHIP) for help with plan choices.

- Must be provided verbally, electronically, or in writing, depending on how the TPMO is interacting with the prospective enrollee
 - o If using telephone, must be done within the first minute of the call
- Must be prominently displayed on websites and marketing materials, including print materials and television advertising
 - o Medicare Advantage plans are required to ensure TPMO adherence, and thus will be conducting regular and ad hoc oversight of materials being used as part of our overall compliance oversight

Additional Requirements

Per [422.2274](#) and [423.2274](#), TPMOs are also required to do the following:

- Ensure that any vendor or entity you do Highmark-related business with adheres to all applicable requirements and obligations

- Disclose any subcontracted relationships used for marketing, lead generation, and enrollment
- Record all marketing, sales and enrollment calls, including those as part of the enrollment process, in their entirety and maintain for 10 years
 - o This includes virtual connections such as Zoom/Facetime/Skype or other technology-based platforms
- Promptly report on at least a monthly basis any staff disciplinary actions or violations of any requirements related to prospective enrollee interaction
- Disclose to prospective enrollees that their information will be provided to a licensed agent for future contact
 - o Disclosure must be provided verbally, in writing, or electronically
- When transferred to a licensed agent, must disclose that the licensed agent can enroll them into a new plan
- TPMOs are prohibited from distributing beneficiary data to other TPMOs

As with the standardized disclaimer, Highmark will be conducting ongoing and periodic assessment of compliance with these requirements as part of our regular oversight and monitoring.