

70.9.3 – Scope of Appointment

42 CFR 422.2262, 422.2268(g) and (h), 423.2262, 423.2268 (g) and (h)

When conducting marketing activities, in-person or telephonically, a Plan/Part D Sponsor may not market any health care related product during a marketing appointment beyond the scope that the beneficiary agreed before the meeting with that individual. The Plan/Part D Sponsor must document the scope of the agreement 48 hours prior to the appointment, when practicable. Distinct lines of plan business include MA, PDP and Cost Plan products. If a Plan/Part D Sponsor would like to discuss additional products during the appointment in which the beneficiary indicated interest, but did not agree to discuss in advance, the Plan/Part D Sponsor must document a second scope of appointment (SOA) for the additional product type to continue the appointment.

SOA documentation is subject to the following requirements:

- The documentation may be in writing, in the form of a signed agreement by the beneficiary, or a recorded oral agreement. Any technology (e.g., conference calls, fax machines, designated recording line, pre-paid envelopes, and email) can be used to document the scope of appointment. 53
- Date of appointment • Beneficiary contact information (e.g., name, address, telephone number)
- Written or verbal documentation of beneficiary or appointed/authorized representative agreement
- The product type(s) (e.g., MA, PDP, MMP) the beneficiary has agreed to discuss during the scheduled appointment
- Agent information (e.g., name and contact information)
- An explanation why the SOA was not documented 48 hours prior to the appointment, if applicable
- A statement clarifying that:
 - beneficiaries are not obligated to enroll in a plan
 - current or future Medicare enrollment status will not be impacted
 - that the beneficiary is not automatically enrolled in the plan(s) discussed

A beneficiary may sign an SOA at a marketing/sales event for a future appointment. Marketing/sales events, as defined in section 70.9, do not require documentation of beneficiary agreement.

Note: All business reply cards (BRC) used for documenting a beneficiary's SOA, agreement to be contacted, confirmation of attendance to a sales/marketing event, or request for additional information must be submitted in HPMS. Plans/Part D Sponsors should include a statement on the BRC informing the beneficiary that a sales person may call as a result of their returning a BRC. See section 90.2 for information on the material submission process.

70.9.4 – Beneficiary Walk-ins to a Plan or Agent/Broker Office or Similar Beneficiary-Initiated Face-to-Face Sales Appointment

42 CFR 422.2268(g) and (h), 423.2268 (g) and (h)

In instances where a beneficiary visits a Plan/Part D Sponsor or an agent/broker office on his/her own accord, the Plan/Part D Sponsor or agent/broker must document the SOA prior to discussing MA, PDP, or cost plans.