

Insurance Division, 350 Winter St. NE, Room 200, Salem, Oregon 97301-3878

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Cheryl Martinis, Insurance Division  
503-947-7213

## Federal-state effort to protect Medicare/Medicaid patients

*Letter to Oregon facilities outlines inappropriate behavior by agents*

**Salem, Oregon** – State and federal authorities are asking Oregon care facilities to monitor and report inappropriate behavior by agents attempting to sell Medicare insurance to some of the state’s poorest and sickest residents.

Authorities are concerned about agents who sell Medicare health and prescription drug plans to “dual eligibles,” the low-income seniors and younger persons with disabilities who are enrolled in both Medicare and Medicaid. Nearly 82,000 Oregonians qualify for both of these government programs. Many face significant health needs, including some in nursing homes.

“These Oregonians need careful counseling to ensure they enroll in health or prescription drug plans that can best meet their medical needs and budget limits,” said Lisa Emerson, manager of the Senior Health Insurance Benefits Assistance (SHIBA) program, which is part of the Oregon Department of Consumer and Business Services and offers free Medicare counseling.

While most agents provide a valuable service in helping clients with Medicare, a minority fail to take the care they should with these clients by not enrolling them in the best plans based on their health/drug needs or by changing their plans to generate commissions and not better coverage, state and federal officials said.

In an effort to stop inappropriate practices, the Centers for Medicare & Medicaid Services and the Oregon Insurance Division sent a letter to care facility directors throughout the state. The letter outlines prohibited marketing practices and explains how to report violations. For example, CMS rules don’t allow agents to:

- Say they are from Medicare or imply that Medicare asked them to contact the beneficiary
- Call or send e-mails without permission
- Sell non-health products, such as annuities and life insurance, during Medicare sales presentations
- Sell Medicare insurance outside of common areas in healthcare settings. Appropriate common areas include hospital or nursing home cafeterias, community and conference rooms. Improper areas include patient rooms, dialysis centers and pharmacy counter areas.
- Meet with people in long-term care facilities unless requested

Read the letter sent to facility directors at: <http://insurance.oregon.gov/consumer/medicare/medicare-marketing.html>.

Violations may be reported to CMS at 1-206-615-2351. They also may be reported to the Oregon Insurance Division consumer advocates: 503-947-7984 or toll-free at 1-888-877-4894.

This effort is part of DCBS’ ongoing campaign to protect Oregon seniors from financial and insurance fraud and ensure they have the information they need to make good financial decisions. Other steps the department has taken include the following:

- Developing suitability standards for sales of annuities and life insurance

- Taking enforcement action against companies that target seniors with inappropriate products
- Producing publications, developing a Web page, and conducting presentations around the state to help seniors avoid insurance and financial abuse
- Assisting with legislation that protects seniors who are convinced to buy additional life insurance for the purpose of selling or transferring the policy to investors.

### **Help with Medicare**

Those eligible for both Medicare and Medicaid are allowed to switch Medicare coverage throughout the year and not just at the set periods established for most Medicare beneficiaries. Key issues for consumers considering Medicare Advantage plans is whether the doctors accept Medicare/Medicaid clients and understand how to bill the plan correctly. Additionally, consumers need to know whether their prescription drugs are covered at what cost and subject to what rules. People who are working with an insurance agent may want to ask the agent what companies he or she represents because not all agents represent all Medicare plans.

The state's Senior Health Insurance Benefits Assistance program offers free, unbiased, and personalized help with Medicare. The program trains volunteers throughout the state to help Medicare recipients understand their plan choices, bills, appeal rights and more. Call 503-378-2014 or toll-free at 1-800-722-4134.

Medicare/Medicaid beneficiaries may also contact the Department of Human Services hotline for assistance with their prescription drug coverage (Part D) at 1-877-585-0007. If they have a case manager with the Department of Human Services Seniors and People with Disabilities Division, they should contact them as well.

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The Insurance Division, part of the Department of Consumer & Business Services, helps ensure the financial soundness of insurers, the fair treatment of consumers, and the affordability and availability of insurance products. For more information, visit [www.insurance.oregon.gov](http://www.insurance.oregon.gov).

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