



# Sales Policy Job Aid

eternalHealth and Agent Created  
Materials Guidelines

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## Introduction

The guidance in this document applies to any material utilized by agents, agencies, or their employees that may lead to an eternalHealth Medicare Advantage plan enrollment regardless of whether the material directly references eternalHealth Medicare Advantage plans. In this document, we provide relevant eternalHealth policies and CMS requirements.

**eternalHealth provides branded materials for contracted agents to utilize under the “For Brokers” tab on the eternalHealth website. We strongly encourage agents to use that folder as their first option for obtaining compliant eternalHealth materials.**

For any questions in regards to accessing these materials, please contact the eternalHealth Broker Support team by phone at **1-800-727-6194** Monday-Friday **9AM-5PM** EST.

Any questions that are not answered by this job aid regarding eternalHealth’s Policy or CMS’ requirements may be directed to [marketing@eternalHealth.com](mailto:marketing@eternalHealth.com).

### **Material and Branding Usage Monitoring**

The eternalHealth sales leaders and management are responsible for ensuring the appropriate use of the brand logo and other materials by their contracted agents. eternalHealth preforms random reviews and site checks on brand and logo usage, material used at marketing and sales events, and material used on agent/agency websites and social media platforms that represent eternalHealth. Any issues that occur may lead to corrective action. Failure to comply with corrective action may subject an agent or agency to further disciplinary action, including termination of contract.

## CMS’ Marketing and Communication Definitions

Medicare Advantage Plan materials are classified as either “Communication” or “Marketing” by CMS.

**Communications-** Means activities and use of materials to provide information to current and prospective enrollees. This means all activities and materials aimed at prospective and current enrollees, including their caregivers and other decision makers associated with the prospective or current enrollee.

**Marketing-** Is a subset of communications and includes activities and use of materials with the intent to draw a beneficiary’s attention to a plan or plans and to influence a beneficiary’s decision-making process when selecting a plan for enrollment or deciding to stay enrolled in a plan. Additionally, the material must also contain certain content as outlined below.

Per CMS, for materials or activities to be deemed “Marketing” it must include one or more elements from both columns in the table below.

Intent	Content
<p>To draw a prospective or current enrollee’s attention to a plan or group of plans, to influence a beneficiary’s decision when:</p> <ul style="list-style-type: none"><li>• Selecting and enrolling in a plan; or</li><li>• Deciding to stay in a plan (retention-based marketing).</li></ul>	<ul style="list-style-type: none"><li>• Information about benefits or benefit structure;</li><li>• Information about premiums and cost sharing;</li><li>• Comparisons to other Plan(s)/Part D Sponsor(s);</li><li>• Rankings or measurements in reference to other Plan(s)/Part D Sponsor(s); or</li><li>• Information about Star Ratings.</li></ul>

CMS requires that all materials that meet the “marketing” definition are uploaded to HPMS and approved or be constructively approved (e.g., file and use materials) prior to use. eternalHealth will not submit any materials to CMS on the behalf of agents.

Agents are allowed to create materials that follow the two criteria below:

- Does not meet the CMS definition of marketing.
- Is considered “generic” (definition is on the next page)

These materials are considered “generic agent materials”.

## Generic vs. Branded Materials

eternalHealth’s contracted agents may create and use generic materials to promote their business and ability to sell Medicare plans without prior consent from eternalHealth. However, this is only permitted if the materials created are compliant with state and federal requirements and do not include eternalHealth branding.

eternalHealth will not review or approve agent created generic material. Agents/Agencies hold the responsibility of ensuring their created generic material is compliant with state and federal regulations.

### What is the criteria for “Generic” material?

**Generic materials** are marketing materials that are free of the specific plan or product information as well as brands or carrier logos.

May Include	Must Not Include
<ul style="list-style-type: none"><li>• Plan attributes that are applicable across a wide variety of plans in market area. (ex. “\$0 premium plans may be available)</li><li>• A general reference to “Medicare Advantage”.</li><li>• Include contracted agency name or personal company name.</li></ul>	<ul style="list-style-type: none"><li>• References to eternalHealth brand, plan names, logo, or any intellectual property such as graphics or specific language.</li><li>• Include any eternalHealth plan specific benefits, or cost sharing information.</li><li>• Promote plan attributes that are specific to a small set of plans in the market area.</li></ul>

**Branded Materials** are any materials that contain eternalHealth’s brand, logo, plan name, or intellectual property including graphics or language developed for use in eternalHealth’s created materials.

# General Guidance for Material Creation and Use

The information in this section is applicable for any material created by an agent/agency that is contracted with eternalHealth.

## eternalHealth Values

At eternalHealth, we believe in operating with trust, transparency, and integrity in all that we do, and we expect our contracted agents to do the same when communicating with beneficiaries on behalf of the company.

## How to market appropriately?

All agents contracted with eternalHealth should be transparent in their approach to marketing and consistently provide accurate information.

**Transparency when marketing-** When using agent created material, beneficiaries should be made aware that what they are receiving, or viewing is material created by an agency or agent licensed to sell Medicare plans. Be honest and identify yourself or agency name when soliciting. Contracted agents are not permitted to declare themselves as direct employees of eternalHealth.

**Accuracy when marketing-** Any content that you create must depict accurate information and not mislead or confuse beneficiaries. All eternalHealth branded marketing material being used should be pulled from the pre-approved materials on our website, unless advance permission is obtained from eternalHealth.

See below for examples of acceptable and not acceptable general marketing.

Not Acceptable	Why it's not acceptable	Acceptable statements
"Medicare Advantage plans can be used to replace Medicare."	Medicare Advantage plans should never be described as replacing Medicare.	"Medicare Advantage plans are a different way to receive your Medicare benefits through a private company that provides managed care."
"Offering plans with free premiums!"	This is misleading as it makes it appear that the plan is free which is not the case.	"\$0 premium plans may be available" (Note- can only do this if there is a substantial amount of \$0 premium plans in the market area).
"You are required to enroll in Medicare Advantage through a licensed agent"	This would be considered a scare tactic to influence the beneficiary to enroll with you. There are many options to enroll in MA.	"If you need assistance choosing an MA plan, a licensed agent can help you choose a plan right for you".

To ensure our values are being represented, eternalHealth will monitor all contracted agents through random site visits and secret shopper scenarios throughout AEP.

**Marketing Related to Specific Enrollment Periods:**

**AEP (October 1<sup>st</sup>-December 7<sup>nd</sup>)** CMS defined marketing materials for plans effective January 1 of the upcoming plan year, may not be used/distributed before October 1<sup>st</sup> of the current contract year. Generic material informing the public that AEP is upcoming are permitted.

**OEP (January 1<sup>st</sup>-March 31<sup>st</sup>)** Agents may not knowingly target or send unsolicited marketing material to any Medicare Advantage enrollee during the continuous Open Enrollment Period (OEP). Agents may promote OEP for educational purposes.

OEP’s “Permitted” and “Not Permitted” practices are listed below:

Permitted	Not Permitted
Conduct activities that focus on other enrollment opportunities including: <ul style="list-style-type: none"> <li>• Marketing to age-ins (who have not yet made an enrollment decision)</li> <li>• Have one-on-one meetings at the beneficiary’s request.</li> <li>• Send marketing materials when a beneficiary makes a request.</li> </ul>	<ul style="list-style-type: none"> <li>• Send unsolicited materials advertising the ability/opportunity to make an additional enrollment change or referencing OEP.</li> <li>• Specifically target beneficiaries who are in OEP because they made a choice during AEP by purchase of mailing list or other means of identification.</li> <li>• Call or otherwise contact former enrollees who selected a new plan.</li> </ul>

**Cross Selling Prohibition:**

Cross Selling occurs when an opportunity to sell a Medicare plan is also utilized to sell a non-health related product (such as life or home insurance or financial planning services). This activity is prohibited during one-on-one appointments, marketing, and sales events, or when providing Medicare plan enrollment materials to beneficiaries. If you are marketing services your agency provides, you may refer to health and non-health products in a general sense.

**Anti- Discrimination:**

Contracted eternalHealth agents may never discriminate based on race, ethnicity, national origin, religion, gender, sex, age, mental or physical disability, health status, receipt of health care, claims experience, medical history, genetic information, evidence of insurability, or geographic location. Plans/Part D sponsors may not target potential enrollees from higher income areas, state or imply that plans are

only available to seniors rather than to all Medicare beneficiaries, or state or imply that plans are only available to Medicaid beneficiaries unless the plan is a Dual Eligible Special Needs Plan (D-SNP) or MMP. Agents that engage in discriminatory behavior will be subject to corrective action up to and including contract termination.

**Use of the Medicare or Other Federal Agency Name:**

Any reference (including graphics, verbal, or written language) that could be reasonably interpreted as misleading or falsely indicating that your activities as an insurance agent are approved by, or your agency's business is under contract with Medicare or any other government entity violates CMS requirements and breaches your contract with eternalHealth.

eternalHealth will not be responsible for evaluating an agent's business name, logo, URLs, or email addresses for the purpose of providing approval. All agents are responsible for complying with the relevant regulations.

However, eternalHealth will regularly monitor contracted agents' activities to ensure they are representing themselves correctly and acting in compliance with CMS regulations and this Job Aid.

**Slogans, Eye-catching Statements, or Taglines:**

While you are permitted to create your own generic messages you should not use any phrases that could be understood as you being employed by Medicare or that your business is approved or endorsed by Medicare. This could be classified as a misrepresentation to beneficiaries and result in a termination of contract with eternalHealth.

**Educational Content:**

Educational content, including general Medicare information (Part A and Part B coverage descriptions, election period dates and consumer eligibility, etc.) is permitted. However, all information distributed must be up to date and accurate.

**Approved Agent Titles:**

External Distribution Channel (EDC)	Independent Career Agent (ICA)
<ul style="list-style-type: none"><li>• Licensed Sales Agent</li><li>• Sales Agent</li><li>• Independent Sales Agent</li></ul>	<ul style="list-style-type: none"><li>• Licensed Sales Agent</li><li>• Sales Agent</li><li>• Independent Sales Agent</li></ul>

**Prohibited Agent Titles:**

Medicare Advantage Specialist, Medicare Sales Agent, eternalHealth Advisor, eternalHealth Medicare Advantage Specialist.

## Additional Guidance for Specific Material Types or Content

Educational and Marketing/Sales Event advertisements created/distributed on behalf of eternalHealth looking to generate attendance must include event details (date, time, and location), receive prior approval from the eternalHealth Sales and Marketing manager, and include the following statement:

- For accommodations of persons with special needs at meetings call 1-800-893-9457 (TTY: 711).

The 711 national telecommunications relay service number allows any consumer who may choose to use the telephone system via a text telephone (TTY) or other device to call a person using the relay system.

### **Marketing and sales events may not be promoted as an “educational” event**

**Agent/Agency Marketing and Sales Event Guidelines:** All eternalHealth contracted agents or agencies will not be permitted to host any marketing and sales events on behalf of eternalHealth. Instead, eternalHealth will be hosting events and providing agent/agencies with a calendar and collaborate to generate attendance throughout AEP.

**Guidelines for Nominal Gifts:** All nominal gifts being used will require a “no obligation” to enroll disclaimer to avoid non-compliance. Additionally, all nominal gifts must comply with sections 40.4 and 40.5 of the Medicare Communications and Marketing Guidelines. This includes not providing nominal gifts as cash or other monetary rebates even if their worth is \$15 or less.

**Business Cards:** All contracted eternalHealth agents will be permitted to utilize their own generic business cards as long as they do not include any eternalHealth branding. If an agent wishes to use eternalHealth branding on their business card, prior approval will be required.

**Business Reply Cards:** eternalHealth will utilize business reply cards that will be routed back to the company and then transferred to the appropriate sales channel. eternalHealth will be utilizing these BRC on direct mail campaigns.

**A Permission to Contact (PTC) Statement:** A PTC statement is required to be included on all BRCs or request for contact information. A PTC statement must make three things clear:

**Who** will be contacting the beneficiary (ex. licensed sales agent or other approved title).

**What** the agent will discuss with the beneficiary. This could be as broad as “Medicare insurance options” or could be more specific and be “Medicare Advantage Plans”.

**How** the agent will be contacting the beneficiary (email, phone, one-on-one appointment, etc.).

**Note-** A (PTC) and Scope of Appointment (SOA) **are not** the same and **are not** interchangeable.

### PTC vs. SOA

PTC	SOA
<ul style="list-style-type: none"><li>• Permission given by beneficiary to be called or otherwise contacted.</li><li>• Can't be treated as open-ended permission for future contacts.</li><li>• Does not apply to postal mail.</li></ul>	<ul style="list-style-type: none"><li>• Used to document beneficiaries' agreement of the scope of products that may be discussed during a one-on-one appointment</li><li>• Products discussed cannot be beyond the scope of the SOA.</li></ul>

**eternalHealth Marketing and Sales Event Conduct:** All agents that plan on attending an eternalHealth sponsored marketing and sales event must RSVP through FMO prior to the event and utilize eternalHealth branded materials and enrollment tools at the event.

**eternalHealth Branded Material Distribution Guidelines:** When mailing or distributing eternalHealth branded material, all non-health product information must be kept distinctly separate.

**Email Addresses and Signatures:** Contracted eternalHealth agents may not use eternalHealth's name, logo, or any other applicable branding content in their email addresses or signatures.

**Advertising on Websites:** You are permitted to post generic advertisements for your services or sales events on websites, digital ads, etc. However, unless obtaining prior approval this content should never reference eternalHealth in any way.

**Outdoor advertisements, signs, or banners:** Agents may develop and utilize outdoor advertising that is generic, and agent created or pre-approved by eternalHealth.

**Television, Radio or Similar Media and Interviews:** Agents may develop generic media advertisements via television, radio, or interviews. However, all

contracted agents utilizing this content are not permitted to represent eternalHealth in any way without prior approval.

### **Third-Party Developers and Ad Campaign Management**

Agents are allowed to employ entities that are not contracted with eternalHealth to make **generic** content that demonstrate their ability to sell Medicare plans. CMS, state, and federal guidelines must be followed by the third-party entities, Agents are responsible for the entity's compliance.

#### **Content Guidelines:**

- Content cannot include eternalHealth branding without prior approval.
- Materials are only to be used to promote the agents/agencies services or ability to sell Medicare.

For any further questions please call our Broker Support Line at 1-800-727-6194.

## Request For Logo Use or Additional Branded Materials

Contracted agents of eternalHealth are not permitted to use the eternalHealth name, logo, intellectual property, or any other brand elements without prior approval from the company.

Agents will have the opportunity to request materials when applicable. Material that could be requested includes:

- Flyers/Brochures
- Presentation Decks
- Educational Materials
- Agent recruitment material

### Request For eternalHealth Brand Name or Logo Placement on Co-Sponsored Materials

All request for eternalHealth brand name and logo placement on co-sponsored materials must be submitted for approval. These requests may be sent to [brokersupport@eternalhealth.com](mailto:brokersupport@eternalhealth.com) for review.

If approved, you will receive a confirmation email. If denied, you receive a denial notification including a reason for denial.

### Request For Custom Branded Materials Requirements

All request for custom branded materials must meet the following criteria:

- No other materials in folder under “For Brokers” fulfill the need
- Strong business impact for eternalHealth
- Materials can be used universally across all contracted agents with agency
- Adheres to CMS rules and regulations.
- Portrays a message aligned with eternalHealth’s values.

**If these materials gain approval from eternalHealth, they may not be altered and must be distributed in that form. Once the material approval expires, the agents must discontinue its use.**

## eternalHealth Resources

eternalHealth will provide pre-approved materials so that the branding and messages may remain consistent, the content is compliant, and our partners approve of the material. These materials will be made accessible through the eternalHealth Broker Portal.

See below for additional resources:

### Broker Support Line

Number: **800-727-6194**

Hours: **9AM-5PM Monday-Friday**

### Broker Portal

URL: **Brokers.eternalhealth.com**

### Support Email

Email: **Brokersupport@eternalHealth.com**