

Draft Pending Adoption

Draft: 12/13/23

Improper Marketing of Health Insurance (D) Working Group
Orlando, Florida
December 2, 2023

The Improper Marketing of Health Insurance (D) Working Group of the Antifraud (D) Task Force met in Orlando, FL, Dec. 2, 2023. The following Working Group members participated: Martin Swanson, Chair, and Maggie Reinert (NE); Susan Jennette (DE); Maria Ailor (AZ); Kurt Swan (CT); Andria Seip (IA); Erica Weyhenmeyer (IL); Joseph Garcia (MI); T.J. Patton (MN); Marjorie Thompson (MO); David Bartuska (PA); Patrick Smock (RI); Jill Kruger and Travis Jordan (SD); Matthew Tarpley (TX); John Haworth (WA); and Bryan Stevens (WY).

1. Adopted its Summer National Meeting Minutes

Jeannette made a motion, seconded by Smock, to adopt the Working Group's Aug. 14 minutes (*see NAIC Proceedings – Summer 2023, Antifraud (D) Task Force*). The motion passed unanimously.

2. Heard a Presentation from CMS on the 2025 Medicare Advantage and Part D Proposed Rule

Ashley Hashem (federal Centers for Medicare & Medicaid Services—CMS) advised the Working Group on the proposed rule for Medicare Advantage Part D. Hashem said the proposed policies build on existing policies to strengthen beneficiary protections and guardrails to promote health competition and ensure Medicare Advantage plans best meet the needs of beneficiaries. She said the proposed policies would promote access to behavioral health care providers, promote equity in coverage, and improve supplemental benefits. Hashem said the comment period ends Jan. 5, 2024. Working Group members said they would review and submit comments.

3. Heard a Presentation from Insurance Care Direct on Agent Transfer Issues

John Doak and Heather Widler (Insurance Care Direct) presented on agent transfer issues that all jurisdictions are experiencing. Doak discussed incidents that agents are encountering with the transfer of policies. Doak stated that the majority of consumers are unaware of this issue. Widler said they have been working with states on some instances that will require further investigations. Doak said CMS would need to coordinate with states to help achieve a complete investigation. He said there have been agencies that have lost anywhere from 35%–40% of their entire book of business due to these incidents. The Working Group discussed and agreed that states and CMS need to coordinate in order to combat this ongoing and increasing issue. The Working Group discussed the importance of conducting regulator-to-regulator meetings with CMS concerning this issue and a public forum to discuss with industry representatives to better protect consumers.

Having no further business, the Improper Marketing of Health Insurance (D) Working Group adjourned.

[IMHIWG 12.2.23](#)