



**AARP  
STATEMENT FOR THE RECORD  
for the**

**UNITED STATES SENATE  
COMMITTEE ON FINANCE  
on**

**MEDICARE ADVANTAGE ANNUAL ENROLLMENT:  
CRACKING DOWN ON DECEPTIVE PRACTICES  
AND IMPROVING SENIOR EXPERIENCES**

**October 18, 2023  
Washington, DC**

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AARP, which advocates for the more than 100 million Americans age 50 and older, appreciates the Senate Committee on Finance’s effort to examine deceptive marketing practices of Medicare Advantage (MA) plans during Medicare Open Enrollment and how to improve the overall consumer experience of enrollment in a Medicare Advantage plan.

With enrollment in MA plans eclipsing that in traditional Medicare, it is increasingly important for Congress to ensure that beneficiaries are adequately served in both MA and traditional Medicare in terms of costs, benefits, quality of care, and patient outcomes. AARP has long supported efforts to improve the quality and affordability of all Medicare plans while working to ensure that consumers maintain a robust choice of both MA and traditional Medicare options.

Plan marketing directly affects the consumer experience and ability to make informed choices in enrollment. In many cases, deceptive marketing practices have led individuals to enroll in a plan that does meet their needs. AARP has repeatedly raised concerns about marketing abuses around MA plans and advocated for greater oversight, enforcement, and regulation of marketing materials and marketing standards for MA plans.

We were pleased that the Administration has finalized regulations aimed at strengthening consumer protections from deceptive and abusive marketing practices, including a prohibition on the use of the Medicare name, logo and Medicare card in advertising, and a prohibition on the marketing of supplemental benefits in a service area where those benefits are not available. Beyond the insurance carriers that offer MA plans, we also supported<sup>1</sup> new requirements on how agents, brokers, and third-party marketing organizations can engage with prospective enrollees, such as the requirement that they disclose when they do not contract with all carriers offering plans in a given service area. Perhaps most importantly, agents and brokers are now required to explain to consumers the effect of a Medicare coverage option or plan choice prior to enrollment. This is especially important because a voluntary choice to leave an MA plan and return to traditional Medicare may expose consumers to medical underwriting – and subsequent higher premium costs – if they attempt to enroll in a Medicare supplement policy (Medigap).

Although the new rules discussed above are a significant step in the right direction, both Congress and the Administration must do more to ensure that MA marketing efforts are not misleading or harmful to consumers. The new guidelines will only help consumers if they are followed. Effective monitoring and enforcement mechanisms must be developed so that the appropriate federal agencies are empowered to use their authority to hold insurers and other entities accountable for inappropriate marketing of their plans. Coordination between the federal government – which regulates MA plan – and state governments – which regulate agents, brokers, and receive the bulk of Medicare-related marketing complaints – is critical to ensure adherence to marketing guidelines.

Despite the progress made by these new consumer protections, additional policy improvements continue to be needed. For example, improved transparency about agent, broker, and third-party organizations’ compensation and financial incentives could help better inform consumer decision making. Also critical is equipping consumers with clearer information about available options to

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<sup>1</sup><https://www.aarp.org/content/dam/aarp/politics/advocacy/2023/02/final-aarp-2024-ma-part-d-comment-21323.pdf>

lodge a complaint about problematic marketing practices. In addition, given widespread confusion among consumers evaluating their Medicare coverage options, increasing access to unbiased sources of information — including through greater promotion of and funding for State Health Insurance Assistance Programs — is essential to helping consumers navigate Medicare marketing information<sup>2</sup>.

As enrollment in MA continues to outpace traditional Medicare, increased vigilance to protect consumers from troubling marketing practices will become even more important to help ensure that older adults are best equipped to make informed decisions about the coverage that will best meet their needs.

Thank you for the opportunity to provide AARP's perspective on deceptive marketing practices in MA and steps to protect consumers. We look forward to working with you to address this important issue and improve the experience of Medicare enrollment for older Americans.

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<sup>2</sup> <https://blog.aarp.org/thinking-policy/new-medicare-advantage-marketing-and-sales-rules-will-help-better-protect-consumers>