

# Achieving MIPPA Compliance with OAISYS®

## Reliable, Affordable Call Recording Solutions

### Government Regulation of Medicare Marketing Activities

After years of responding to complaints concerning actual and perceived abuses of patients enrolled in Medicare, the U.S. Federal Government passed the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) to establish firm standards of conduct for certain businesses selling goods and services in association with Medicare.

Rather than relying on these businesses to self-regulate and eliminate alleged instances of abuse on their own, the federal government established a straight set of restrictions and guidelines for those companies marketing to Medicare beneficiaries. Businesses affected by this legislation include Medicare Advantage and Medicare Prescription Drug Part D plan providers and their agents.

Among the restricted activities are:

- Outbound marketing calls, unless the beneficiary requested the call. This includes contacting existing members to market other Medicare products.
- No marketing calls to disenrolled or disenrolling members to market plans or products.
- Calls to beneficiaries to confirm acceptance of appointments made by third parties or independent agents.
- Calls to beneficiaries who attended a sales event unless the beneficiary has given express permission.
- No cross selling. If a beneficiary enrolls in a Medicare Advantage or Prescription Drug Plan, companies are prohibited from trying to sell additional services, such as insurance or annuities, unless the beneficiary specifically requests information on those products or services.
- Appointments to discuss opportunities or enrollments must be specific in scope. If a beneficiary agrees to an appointment to discuss a Medicare Advantage offering, the agent must limit his or her discussion to the requested service and may not try to sell other services without scheduling a separate appointment.

**“Medicare beneficiaries can be assured that we will monitor marketing activities and move aggressively with enforcement measures or other actions if these rules are violated.”**

*Kerry Weems, Acting Administrator,  
Centers for Medicare and Medicaid Services*

Companies marketing to Medicare beneficiaries may, under most conditions, engage in the following activities:

- Place outbound calls to existing members to conduct normal business related to enrollment in the plan, including calls to members who have been involuntarily disenrolled to resolve eligibility issues.
- Conduct surveys of former members to solicit quality improvement feedback so long as the surveys do not include marketing information.
- Call members who may be considering disenrolling to encourage them to stay in the plan.
- Call beneficiaries who have given their express permission to be contacted for additional offers.

For certain customer service and quality calls (such as disenrollment surveys), outbound call scripts must be submitted to the Centers for Medicare and Medicaid Services (CMS) for review and approval and must include a privacy statement informing the beneficiary that they are not required to provide any information. Callers are prohibited from claiming they are endorsed by Medicare or are calling on the program's behalf. They may, however, state that they are a Medicare-approved Medicare Advantage or Prescription Drug Plan.



## Serious Business Penalties for MIPPA Violations

In addition to providing guidelines for conduct, MIPPA also establishes auditing, oversight and a range of penalties for violations. CMS oversees broker certifications, confirms organizational readiness, verifies businesses are meeting scope of appointment and marketing content guidelines and audits both compliance and performance.

Additionally, CMS has the power to impose penalties on non-compliant organizations. These penalties can range from implementation of corrective action plans, conducting focused audits, halting new enrollments or marketing activities, freezing payments for current members, imposing monetary penalties and/or terminating the contract.



## Voice Documentation Ensures Sales and Marketing Compliance

To effectively manage allegations of abuse and provide an audit trail showing compliance with MIPPA sales and marketing guidelines, all appointments made over the phone with current or potential Medicare enrollees must be recorded in order to provide documentation of the interaction.

With enforcement of any industry regulations, the potential exists for businesses who are conducting themselves within the boundaries of the law to be falsely accused of wrongdoing. Phone-based interactions, in particular, can quickly devolve into “he said/she said” disputes. Without verifiable documentation of the actual call, companies can find their business operations seriously jeopardized.

OAISYS voice documentation technology simply and affordably enables companies to create 100 percent accurate records of their phone-based interactions. Businesses deploying an OAISYS voice documentation solution can:

- Make certain their marketing policies and procedures are CMS audit ready
- Document their compliance with new state appointment requirements
- Ensure their sales and marketing training efforts accurately support MIPPA provisions
- Document their scope of appointments appropriately and reliably

## Experience the OAISYS Difference

The award-winning OAISYS product portfolio, which includes Talkument® voice documentation and Tracer call center management software, is vastly different than other call recording solutions on the market. Our products deliver an easy-to-use interface and voice documentation functionality as standard components through patent-pending OAISYS Portable Voice Document (PVD™) technology.

Users can quickly search for, retrieve and play back calls using a Microsoft Outlook® style search folder system. In addition, users can add text annotations, highlight relevant portions of calls and then share the voice documents with other parties who may need to review (such as call center managers or CMS auditors) via a secure link.

And, businesses requiring advanced call center management capabilities—such as live call monitoring, coaching, evaluating and reporting—can deploy OAISYS Tracer software. Best of all, they'll enjoy an unlimited user license for Talkument, extending the benefits of voice documentation beyond the walls of the call center to support members of every department within the business.

OAISYS solutions also offer unrivaled security protection, as voice documents never leave the OAISYS recording system on which they are stored. All calls remain with the organization, rather than being stored offsite and transcribed or having copies of the files themselves emailed without oversight or controls. Additionally, secure system administration allows for easy assignment of individual and group permissions, as well as log file visibility showing an audit trail of recording access.

OAISYS flexible storage options allow organizations to manage their data archival methods as desired. Calls can remain on the central repository and then be migrated to a backup server, burned to CD or DVD or otherwise archived according to the organization's best practices.

As a one-time purchase, OAISYS solutions eliminate the financial risks other products create through subscription-based models. Budgeting is made easy and convenient, with ongoing support readily available as desired.

***OAISYS has extensive experience providing solutions to the healthcare industry and its related fields, and our products are fully HIPAA and MIPPA compliant, safe, secure and reliable. Don't allow non-compliance with MIPPA marketing guidelines to endanger your business operations, protect your revenue with OAISYS.***



To learn more about OAISYS, Tracer and Talkument, please visit our website at [www.oaisys.com](http://www.oaisys.com) or call 888.496.9040 today.

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