

Sales Policy Job Aid

Permission to Contact and Lead Generation



Permission to Contact

Permission to Contact (PTC) is permission given by the consumer to be called or otherwise contacted by a representative of UnitedHealthcare for the purpose of marketing a UnitedHealthcare Medicare product, including any Medicare Advantage (MA) plan, Prescription Drug Plan (PDP), or Medicare Supplement Insurance product.

What is the Scope of PTC?

- PTC only applies to the entity from which the individual requested contact, the duration and topic requested; is limited to the method of contact (e.g., permission to call, permission to email) in the PTC mechanism (e.g., Business Reply Card (BRC)); and must be given by the individual requesting contact and cannot be given on behalf of another individual (e.g., a husband cannot grant permission on behalf of his wife as each spouse must provide individual PTC). The PTC mechanism may include statements or options that would lead a consumer to reasonably understand they will be contacted to discuss Medicare insurance options or include the exact individual product types to be discussed such as MA plans, PDP, and/or Medicare Supplement Insurance or refers to options collectively (e.g., Medicare insurance options).
- PTC must be documented (in bConnected if available to the agent) and PTC documentation (e.g., lead source/business reply card) must be retained for ten years and made available to UnitedHealthcare upon request.

PTC Requirements

You must:

- Obtain PTC prior to making direct contact with a consumer (e.g., telephonic, email, and/or text) to discuss any UnitedHealthcare Medicare product.
- Renew PTC to make on-going direct contact with a consumer.
- Comply with the federal Do-Not-Call Registry and federal and state calling hours.
- Cease contact and update PTC documentation if a consumer retracts or withdraws PTC or UnitedHealthcare retracts or withdraws delegated PTC.

Bottom Line: Whether provided through a BRC, Online Contact Form, or lead card, ensure you have documented Permission to Call prior to telephoning a consumer and ensure you have specific Permission to Email prior to emailing a consumer. If you have implied consent by virtue of having an active business relationship with an individual, you do not need additional documented PTC to contact the individual.

Compliance Reminder

PTC and Scope of Appointment (SOA) are **not** the same and are not interchangeable. Having a SOA form does not provide PTC and vice versa.

When does PTC Expire?

PTC expires once contact is made or 90 days after the original date of receipt for consumers requesting information on Medicare Supplement insurance or who are on the federal Do-Not-Call Registry or nine months after the original date of receipt for MA plan and PDP, whichever comes first. If agents are receiving PTC from UnitedHealthcare, their up-line or other third party sources, the original date of receipt may be prior to the date the agent obtains the PTC. Agents are responsible for ensuring PTC is valid and not expired prior to use. New PTC must be obtained in order to contact the consumer in the future.

What are forms of direct contact?

Direct contact includes, but may not be limited to, in-person, telephonic (including voice message, auto-dialed calls/messaging, and text messaging), electronic (including social media interactive functionality, direct messaging, and smart phone applications), email, and conventional postal mail.

What are Permitted Direct Contacts?

Permission to Contact (PTC) must be obtained prior to making direct contact with the consumer, except when using postal mail (e.g., advertisements, direct mail). Agents must follow PTC guidelines described above. Permitted PTC mechanisms include the following:

- A consumer requests a return call from the agent, agency, or UnitedHealthcare.
- A compliant BRC or lead card submitted by the consumer.
- A compliant online contact form/electronic BRC (eBRC) submitted by the consumer.
- An email sent by the consumer to the agent requesting contact.
- During permitted contact with the consumer, the agent requests to renew PTC and the consumer consents to a future contact.

Examples

- You postal mail a compliant lead card to a consumer.
- You contact telephonically a consumer who called and left a voice mail message and requested a return call and provided a valid phone number.
- You contact telephonically a consumer who completed and returned a BRC that requests to be contacted telephonically to discuss Medicare insurance products and included a valid telephone number.
- You email a consumer who sent you an email requesting a return email and included a valid email address.
- You email a consumer who completed an online contact form and selected to be contacted regarding Medicare insurance products specifically by email and included a valid email address.

Compliance Reminder – You must have Permission to Call and a completed SOA form in your possession prior to conducting a telephonic presentation.

Contacting Your Current Clients – Implied Consent

If you are the Agent of Record (AOR), you may contact a member who is in your current book of UnitedHealthcare business to conduct plan business without obtaining additional PTC.

However, you cannot market for the upcoming plan year prior to October 1 under the pretense of plan business.

Additionally, you may also contact your current clients from another business relationship with whom you have a current, active contract or business relationship in other products (e.g., the consumer is a current in-force life, homeowners, or dental insurance policy client). You should be able to provide proof that the consumer was a current client at the time you contacted them to market a UnitedHealthcare Medicare product.

Acceptable Delegated PTC from UnitedHealthcare

An agent, who is not the AOR, may only call an existing member in one of the categories below if PTC has been delegated by UnitedHealthcare to the agent. Delegation of PTC occurs when UnitedHealthcare provides the member's contact information (i.e. name and phone number) to the agent. You may only use the member's Protected Health Information or Personal Identifying Information (PHI/PII) to the extent necessary to conduct business on behalf of UnitedHealthcare. Any other use of PHI/PII obtained through delegated PTC is prohibited.

- A current UnitedHealthcare Commercial member aging in to Medicare to discuss other UnitedHealthcare Medicare products, including benefits, or to inform them of general plan information.
- A current UnitedHealthcare MA plan, PDP, or Medicare Supplement Insurance plan member to discuss other UnitedHealthcare Medicare products, including benefits, or to inform them of general plan information.
- A current UnitedHealthcare Medicaid/MMP member to discuss other UnitedHealthcare Medicare products, including benefits, or to inform them of general plan information. Refer to the "Marketing in a State with a Medicare-Medicaid Plan (MMP)" sub-section in the Agent Guides for additional guidelines.
- A consumer who submitted an enrollment application in order to conduct business related to the enrollment.

Acceptable Delegated PTC from EDC Agency

An EDC agency may delegate PTC to an agent in its down-line. Delegation of PTC occurs when the agent's up-line provides the UnitedHealthcare member's contact information (i.e. name and phone number) to the agent. You may only use the member's PHI/PII to the extent necessary to conduct business on behalf of UnitedHealthcare. Any other use of PHI/PII obtained through delegated PTC is prohibited.

What are Prohibited Unsolicited Direct Contacts?

Unsolicited contact means the consumer did not provide permission to be contacted by the particular method(s) of contact. Unsolicited direct contact is prohibited, except for the use of conventional postal mail. Examples of prohibited unsolicited direct contact include:

- Approaching a consumer in-person. Prohibited scenarios include, but are not limited to:
 - Approaching a consumer in a common area (e.g., parking lots, hallways, lobbies, sidewalks).
 - Approaching a consumer outside of an educational or marketing/sales event (e.g., the agent is participating at a volunteer or social/fraternal/service organization activity).
 - Engaging in door-to-door solicitation, including any "bait-and-switch" tactics (e.g., marketing a product that does not require PTC in order to convert the marketing effort to a product that does require PTC).
 - Distributing materials outside of an educational or marketing/sales event setting, such as leaving materials outside a residence, under a door to a residence, on a vehicle, or similar. (Note: Agents may leave materials at a consumer's residence when the agent had a properly pre-scheduled personal/individual marketing appointment and obtained scope of appointment, but the consumer was a "no show".)

- Contacting a consumer through telephonic means, including manual or automated dialing, voice messaging, or text messaging, or through electronic means, including proximity/push marketing, and smart phone applications **or** social media interactive functionality (or equivalent service) **or** unsolicited email. Prohibited scenarios include, but are not limited to:
 - Any contact with a consumer when the consumer did not provide PTC through a compliant means to be contacted in that manner.
 - Contacting a consumer that attended an event or to whom material was mailed under the guise of following up.
 - Contacting a referred consumer.
 - Contacting a UnitedHealthcare member for whom the agent is not the AOR and the agent did not receive delegated PTC from UnitedHealthcare.
 - Using lead contact information received from UnitedHealthcare to market any non-UnitedHealthcare product.
 - Using lead contact information obtained from bConnected for a consumer with whom the agent does not have a relationship unless UnitedHealthcare has delegated PTC and authorized an outbound call as part of a marketing campaign.
 - Engaging in any “bait-and-switch” tactics (e.g., marketing a product that does not require PTC in order to convert the marketing effort to a product that does require PTC).
 - Contacting a former member who voluntarily disenrolled or a current member in the process of voluntarily disenrolling to market a product or plan, dissuade them from disenrolling, or to participate in any type of survey. In addition, an agent must not ask a disenrolling member for PTC to market plans in the future.

Bottom Line: Engaging in unsolicited contact is prohibited and subject to corrective and/or disciplinary action. For example, if the contact originated from a door-to-door solicitation, any discussion or plan presentation of a UnitedHealthcare Medicare product would be non-compliant, even if the consumer requests a discussion on a UnitedHealthcare Medicare product.

Other PTC Topics

Are PTC Forms Available?

Pre-approved BRCs and lead generation materials that document PTC are available on the UnitedHealthcare Toolkit (accessible via **Jarvis** > Sales & Marketing Tools > Sales Materials > UnitedHealthcare Toolkit).

Yes
I'd like a licensed sales agent to contact me about UnitedHealthcare Medicare plans.

(We need a valid phone number or email address to contact you.)

First Name _____ Last Name _____
Address _____
City _____ State _____ ZIP _____
Phone Number _____ Email _____

By returning this card, you agree that an authorized representative or licensed insurance agent from UnitedHealthcare Medicare Solutions may contact you by phone, email or mail to answer your questions or provide additional information about Medicare Advantage or Part D plans. Plans are issued through UnitedHealthcare Insurance Company or one of its affiliated companies. For Medicare Advantage and Prescription Drug Plans, A Medicare Advantage organization with a Medicare contract and a Medicare-approved Part D sponsor. Enrollment in these plans depends on the plan's contract issued with Medicare. UnitedHealthcare Insurance Company may notify this to AARP for the use of its intellectual property. These fees are used for the general purposes of AARP. You do not need to be an AARP member to enroll in Medicare Advantage or Prescription Drug Plans. AARP and its affiliates are not insurers. AARP encourages you to consider your needs when selecting products and does not make specific product recommendations for individuals. © 2019 UnitedHealthcare Services, Inc. All rights reserved.

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Alternatively, you may develop a generic BRC, eBRC, lead card, or online contact form. Agent/agency created generic BRC, eBRC, lead card, or online contact forms must include statements or options that would lead a consumer to reasonably understand they will be contacted by a plan representative (e.g., licensed sales agent) to discuss Medicare insurance options or may include the exact individual product types to be discussed such as MA plans, PDP, and/or Medicare Supplement Insurance or may refer to options collectively (e.g., Medicare insurance options). The forms must explicitly indicate the specific contact method(s) and must include a mechanism, such as a checkbox, so the consumer can indicate the method(s) by which the agent is permitted to make direct contact with the consumer. The forms must be generic and include all required disclaimers. Refer to the Agent Created and UnitedHealthcare Toolkit Materials Guidelines job aid for additional details.

Does a sign-in sheet provide PTC?

No, a sign-in sheet does not provide PTC. The sign-in sheet does not contain the appropriate verbiage to be PTC.

How do I Document and Store PTC?

UnitedHealthcare does not provide a PTC tracking template for agent use. You are responsible for the documentation and storage of your PTC. If you have access to bConnected, you must document and update PTC in the bConnected system.

If you do not have access to bConnected, you must document and update PTC in an alternate method. Examples of alternate PTC documentation methods:

- Retain lead cards or BRC
- Document PTC in a consumer file
- Create and document PTC in a spreadsheet

Can I store PTC electronically?

Yes, PTC may be stored electronically. All electronic storage systems must be secure, encrypted, and any suspected or known privacy incidents must be reported to UnitedHealthcare. Employees of UnitedHealthcare are only permitted to store PHI/PII on a company server rather than a laptop or other device.

- Below is a list of recommended features and functionality the full-disk encryption solution should offer:
 - Full-disk encryption (user data, operating system, temporary files, erased files)
 - AES-256 bit encryption
 - Pre-boot authentication
- Check to see if your computer already has encryption software installed. In most cases, you simply have to “activate” the encryption. For example, for the last several years Microsoft computers come with BitLocker pre-loaded
- Contact your local electronics retailer and ask for assistance in identifying the full-disk encryption options compatible with your hardware/software and/or reach out to a reputable security company, such as McAfee or Symantec, for assistance purchasing a compatible full-disk encryption solution
- Always maintain proof that a device on which you store PHI/PII is encrypted. If your device is stolen or lost, you will need to provide evidence that encryption was installed and the type of encryption used
- Report privacy incidents to:
 - UnitedHealthcare Government Programs Privacy Office
at uhc_privacy_office@uhc.com
 - Distribution Compliance at Compliance_Questions@uhc.com
 - The UnitedHealth Group Ethics & Compliance Help Center at 1-800-455-4521

Agents must not store PHI/PII in virtual (cloud) storage unless the agent (or agency, if the agent is employed by an agency) has a proper Business Associate Agreement in place with the cloud storage provider, and the cloud storage where PHI/PII is stored has appropriate security controls (e.g., encryption, logging, etc.).

Lead Generation

What are compliant leads?

You are responsible for ensuring any lead obtained, including leads provided by your up-line, meet all federal and state regulations and UnitedHealthcare business rules, prior to acting on the lead to market any UnitedHealthcare Medicare product.

Compliant means include:

- The consumer submitted a compliant BRC (paper or electronic) or lead card. If you receive leads from your up-line, you should request documentation from your up-line that proves that the leads were obtained compliantly and are actionable.
- The consumer placed an inbound call, text message, email, or voice message requesting to discuss Medicare insurance products. Based on the method of consumer outreach, you may respond accordingly, unless the consumer requests another preferred method of contact.
- The consumer is a current client, in which you have a current, active contract or business relationship in another product.

Non-compliant means include, but are not limited to:

- Receiving a consumer's telephone number or email address as a referral from an individual other than the consumer (e.g., a provider gives a patient list or a consumer provides his/her neighbor's contact information).
- Use of other sources (e.g., internet search, phone book) to look-up a telephone number or email address if the contact information provided is not accurate or in-service.
- Use of interactive communications via social media platforms or other communication applications to generate leads and to market Medicare insurance products.
- Use of contact information obtained compliantly for a non-Medicare insurance line of business as a mean to market Medicare insurance products. For example, if you are a financial planner and you use non-client contact information obtained through your financial planning business for marketing Medicare insurance products.

Cross Selling

Cross selling, marketing non-healthcare related products (e.g., annuities or life insurance) during marketing activity related to MA plans or Part D (and vice versa) is prohibited.

What is the definition of a lead and an actionable lead?

A lead is the name and contact information of a consumer who might be contacted to market UnitedHealthcare Medicare products. To be considered actionable, the lead must be obtained through means compliant with federal and state regulations and UnitedHealthcare rules, policies, and procedures. Specifically, PTC has been obtained through compliant methods and has been documented.

What are my responsibilities in validating leads?

Prior to use, you must validate that the lead was obtained through compliant means. In addition, you must document or obtain documentation that confirms that the lead source has qualified the lead(s) to ensure that the consumer, whose contact information has been provided, proactively requested contact for the purpose of marketing Medicare insurance products. Only compliantly obtained leads may be acted upon through direct methods of contact. Agent assisted enrollments that result from the use of non-compliant leads may result in corrective and/or disciplinary action.

Can I lead generate at educational and marketing/sales events?

You may use compliant methods (e.g., distributing BRCs or lead cards) to lead generate at educational and marketing/sales events.

Can I place lead generating materials on a bulletin board or similar location?

You may post compliant materials on a bulletin board and like places. You must have permission from the venue to place the materials. The venue cannot engage in unsolicited contact on your behalf and actively distribute the material or place in or attach to bags.

Can I cold-call or go door-to-door to market Medicare Supplement Insurance plans?

Unsolicited contact regulations apply to all products in the UnitedHealthcare Medicare portfolio. Therefore, you cannot engage in unsolicited contact when marketing any UnitedHealthcare Medicare product. PTC is required to market UnitedHealthcare Medicare Supplement Insurance plan, MA plans, or PDPs.

Can I post an online contact form on my business Facebook account?

Yes, you may feature an online contact form on Facebook. The online contact form must be part of a created advertisement through the Facebook application. Refer to the Agent Website and Social Media Guidelines job aid for additional details.

Lead Referral Programs

UnitedHealthcare does not sponsor a lead referral program.

Agent Initiated Programs

You may choose to use a third party lead generating option, but are responsible for ensuring the leads are obtained compliantly, within compensation limits, do not violate any applicable fraud and abuse laws, including the federal anti-kickback statute, and are compliant with any and all applicable state and federal regulations. All PTC guidelines apply if designing and/or conducting an outbound call campaign using a purchased or otherwise obtained lead list. In the absence of documented PTC for a consumer on a lead list, only postal mail can be used to market UnitedHealthcare Medicare products to the consumer.

UnitedHealthcare will not provide approval to use a third-party lead generation company or service. You are responsible for ensuring any PTC or any contact information provided or received, comply with any applicable state laws that govern these activities. Consult with legal counsel in your state as needed.

Compensation in Exchange for Lead

- You are not permitted to provide anything of value (e.g., gift card, flowers) to a consumer/member in exchange for a referral (i.e. contact information including name and telephone number/email).
- You must comply with CMS regulations related to compensation limits, commission splitting, and/or payments to non-licensed/appointed agents. UnitedHealthcare recommends agents consult with local legal counsel to determine the compliance of any compensation arrangements they make with referrers.

Lead Collection Station

Lead boxes and/or collection stations must comply with all CMS regulations and UnitedHealthcare rules, policies, and procedures related to obtaining PTC, contacting consumers, use of marketing materials, and marketing/sales activities. The following guidelines apply to the use of lead collection boxes and/or collection stations:

- The lead box or collection station must be secured in such a manner as to prevent the unauthorized access and use of any consumer's contact information. The collection box must be locked and either integrated in a fixture or attached to a fixture in such a manner that prevents unauthorized removal of the box and/or its contents.
- Permission from the venue must be obtained prior to placing a lead card box or collection station in any location. You may place lead collection stations in common areas of a healthcare setting. Common areas generally include, but are not limited to: common entryways, vestibules, waiting rooms, hospital or nursing home cafeterias, and community, recreational, or conference rooms.
- Rules pertaining to marketing materials in a healthcare setting apply. Marketing materials cannot be placed in restricted areas. Restricted areas generally includes, but not limited to: exam rooms, hospital patient rooms, treatment areas where patients interact with a provider and their clinical team and receive treatment (including dialysis treatment facilities), and pharmacy counter areas (where patients interact with pharmacy providers or obtain medications).

- Only UnitedHealthcare and/or CMS approved lead cards and marketing materials are permitted.
- Information provided on lead cards must be considered private and must only be used for the purpose intended.
- Providers may direct a patient to the lead box or collection station.
- Providers must not handle in any manner the leads collected (e.g., empty lead box, forward leads to the agent).
- You must check on and empty lead box or collection station no less than weekly.
- You must immediately report to UnitedHealthcare any suspected or known breach or theft of the lead box, collection station, and/or individual lead cards.

Providers and Lead Generation

Refer to the Agent Guide for additional guidance on provider activities.

- You may display marketing and communication materials in common areas of a healthcare setting. You must have permission from the venue to display the materials
- You may display only communication materials in restricted areas of a healthcare setting. You must not market or conduct marketing or sales activities in restricted areas. You must have permission from the venue to display the materials.

Providers may:

- Refer patients to communication or marketing materials available in common areas.
- Refer patients to communication materials in restricted areas.
- Refer patients to a plan marketing representative (e.g., agents).

Providers must not:

- Offer or accept/collect SOA forms, BRCs, or lead cards, or call an agent on behalf of a consumer.
- Mail plan marketing materials on behalf of an agent.
- Accept compensation directly or indirectly from an agent for conducting consumer marketing activities.
- Identify, provide names, or share information about existing patients with the plan or agent for marketing/sales purposes.
- Distribute marketing materials where care is being delivered.

Resources

Agent Guide

The Agent Guide provides guidance on CMS regulations and UnitedHealthcare rules, policies, and procedures. It is available on **Jarvis**.

Sales Policy Job Aids (available on Jarvis)

Agent Created and UnitedHealthcare Toolkit Materials Guidelines Job Aid

Agent Events Job Aid

Agent Website and Social Media Guidelines Job Aid

Permission to Contact and Lead Generation Job Aid

Prescription Drug Coverage Reference Job Aid

Scope of Appointment Job Aid

Compliance Questions

Submit compliance-related questions to compliance_questions@uhc.com.

Jarvis

Access **Jarvis** through www.uhcjarvis.com.

For assistance accessing or using Jarvis, contact the Producer Help Desk (PHD) at phd@uhc.com or 1-888-381-8581.