Scope of Appointment (SOA) requirements

2024 CMS Final Rule Requirements can be found at - Chapter 42 of the Code of Federal Regulations (CFR), Part 422 Subpart V -Medicare Advantage Communication Requirements & Part 423 Subpart V – Part D Communication Requirements, Medicare Managed Care Manual, Chapter 3 (Medicare Communication and Marketing Guidelines (MCMG).

Scope of Appointment = Federal Regulation Citation(s): *§§ 422.2263 (8) & 422.2264 (c)(1)(ii)(D) - Medicare Advantage (MA) and Part D Marketing (Subpart V of Parts 422 and 423) (pgs. 115-137)*

The SOA is a documented agreement between a Medicare beneficiary and an agent, broker, or producer. It lists the products agreed upon for discussion *prior* to an individual marketing appointment. **You are responsible for following CMS SOA guidelines when conducting individual appointments *in person, telephonically,* or *via the web/internet.***

A signed SOA is **required** when you hold personal/individual marketing appointments with beneficiaries to discuss MA, MAPD or PDP products. SOA guidance must be followed regardless of the venue (i.e., in home, telephonically, internet).

You **can't** discuss health care related products *beyond* the scope that a beneficiary agreed to *before* the appointment.

You **must** maintain SOAs for at least 10 years. And you'll want them readily available upon request. This includes initial and additional SOAs obtained during appointments.

If a *beneficiary requests* other products not documented on the SOA, you **must** obtain a second SOA for the additional product(s). Your marketing appointment **can** then continue.

MA organizations holding education events may no longer set up future personal marketing appointments or have beneficiaries complete Scope of Appointment forms at these events.

MA organizations must wait 48 hours between the completion of the Scope of Appointment and the start of the personal marketing appointment. *T*he 48-hour rule will not apply if:

- The SOA is completed during the last four days of the election period (AEP, OEP, SEP, ICEP).
- Beneficiaries who walk into an agent's office, a kiosk, a plan's office or any other walk in will not be subject to the 48-hour rule.

CMS is limiting the ability of plans and agents to contact prospective enrollees twelve months following the date of beneficiary's signature or the date of the beneficiary's initial request for information on a Scope of Appointment (SOA) or Business Reply Card (BRC)

You cannot collect SOA's at Educational events.

MA organizations holding or participating in marketing events may collect Scope of Appointment forms for future personal marketing appointments.

MA organizations holding a personal marketing appointment may not Market any health care related product during a marketing appointment beyond the scope agreed upon by the beneficiary and documented by the plan in a Scope of Appointment, business reply card, or request to receive additional information, which is valid for 12 months following the date of beneficiary's signature date or the date of the beneficiary's initial request for information.

Market additional health related lines of plan business not identified prior to an individual appointment without a separate Scope of Appointment, identifying the additional lines of business to be discussed; such Scope of Appointment is valid for 12 months following the beneficiary's signature date.

Your SOA documentation can be in writing with a signed CMS-approved SOA form. Or our other option includes an electronic agreement through Think Agent.

The Think Agent SOA has 3 options for member signature – Face-to-face, text, and email.

Think Agent users can complete the SOA form in Think Agent – From their Think Agent Lead - any of three (3) ways:

- *The **face-to-face** option allows the agent and client to type their names – And check a required disclaimer box – then submit the completed SOA.*
- *The **send by text** option allows the agent to send a filled-out SOA to the client by mobile text, and the client to open a link in the text to approve/reject the SOA.*
- *The **send by email** option allows the agent to send a filled-out SOA to the client by email, and the client to open a link in the email to approve/reject the SOA.*

All sent and completed SOAs are stored in Think Agent and can be downloaded as PDFs by the agent if needed.

See Think Agent's PDF sales training guide (page 18) for detailed instructions and illustrations.

Signed agreements: You **must** attach a copy of the signed SOA to any **paper** application received from an individual appointment *before* submitting it to CVS Health/Aetna.