

Recording Calls: Which Calls?

Who does this requirement apply to?

- The requirement applies to all organizations and individuals that fall under the definition of TPMO as defined in 42 CFR §§ 422.2260 and § 423.2260. The definition of TPMO includes all organizations and individuals, including independent agents and brokers, who are compensated to perform lead generation, marketing, sales, and enrollment related functions as a part of the chain of enrollment. TPMOs may be a first tier, downstream or related entity (FDRs).

Does this new requirement to record calls apply only to call centers?

- No. This requirement applies to all organizations and individuals that fall under the definition of TPMO as defined in 42 CFR §§ 422.2260 and § 423.2260.

Does the requirement to record calls pertain to captive agents?

- Yes. Captive agents fall under the definition of a TPMO as defined in 42 CFR §§ 422.2260 and § 423.2260.

Is it now a requirement for an agent to record all calls with enrollees, even calls that are outside the scope of the chain of enrollment?

- Yes. Plans must ensure that all calls between a TPMO and a beneficiary are recorded.

Does this requirement to record calls apply to both inbound and outbound calls?

- Yes.

Are Zoom calls and conversations through other virtual platforms required to be recorded?

- Yes. Zoom calls and other calls using virtual presence technology between a Medicare beneficiary and an organization or individual who meets the definition of a TPMO must be recorded.

Does the requirement to record calls apply to in-person interactions?

- No. CMS does not require recording of in-person interactions.

We have received multiple questions from agents who want to know what they should do when a beneficiary is refusing to have the call recorded, but still want to enroll in our plan. Are there exceptions to the call recording requirement if a beneficiary refuses to be recorded?

- No. There are no exceptions to this requirement. If a beneficiary declines to be recorded, the call must end.

Can an agent complete a sale over the phone if the enrollee declines to be recorded?

- No. If a beneficiary declines to have their call with a TPMO recorded, the sales agent must end the call.

Recording Calls: When and How?

When do we have to start recording calls between TPMOs and beneficiaries?

- The recording requirement went into effect on October 1, 2022, and it applies to enrollments made for a January 1, 2023, effective date and beyond.

What technology or mechanism should we use to record calls between TPMOs and beneficiaries?

- CMS cannot recommend a particular brand or mechanism. TPMOs should work with the plans for whom they sell to determine the method/format of recording and the mechanism by which the recordings are maintained. *HFG/OLA recommends using a service like Medicare Center which records all inbound and outbound calls while enabling online enrollment tools/use.*

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