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2026 Medicare OEP Compliance Guide

Maximizing Growth and Staying Compliant During Medicare OEP: An Agent's Guide

The Medicare Open Enrollment Period (OEP) runs from January 1 to March 31 each year. For agents, this period presents both opportunities and challenges. With rules tightening and beneficiaries gathering more information independently, you must grow your business while keeping compliance as a top priority. Below are practical ways to move your business forward during OEP while adhering to the latest CMS guidance[i, ii]

What OEP Means for You as an Agent

It's critical to know exactly what OEP allows—and doesn't. During OEP, individuals who already have a Medicare Advantage (MA) plan can:

- Switch to another MA plan
- Drop their MA plan and move to Original Medicare
- Enroll in a Medicare Part D prescription plan if they are returning to Original Medicare

Note: Those on Original Medicare or a stand-alone Part D plan **cannot** sign up for an MA plan during OEP.[i]

Compliance Reminder: CMS places significant importance on agent actions taken during OEP. Agents are not permitted to actively market or advertise OEP plan changes. This includes material hinting at plan switches or using messaging such as "now's your chance".[i]

Smart Ways to Grow—Without Tripping Over Compliance Lines

1. Put Service and Retention First

Since direct marketing of OEP-specific changes is not allowed, focus on serving your current clients:

- **Reach Out and Check In**: Review existing coverage with clients. Be available for questions or concerns.
- **Offer Honest Education:** Share educational Medicare guides or host general informational webinars. All content should remain broad and not tied to plan changes during OEP.[i]

2. Put Service and Retention First

When clients initiate contact about their Medicare options during OEP, you may assist:

- Keep detailed records of communications, as these may be essential for compliance.[i]
- Use permission-to-contact PTC forms when necessary for
- your protection.

3. Make the Most of Referrals (the Right Way)

Direct promotion of OEP changes is not allowed, but you can still seek referrals, provided you stay within CMS guidelines:

- End meetings with, "If you know someone who could use guidance, I'm here to help," and avoid offering incentives or rewards for referrals.[i]

4. Spend Time with New-to-Medicare and SEP Prospects

OEP rules do not apply to those new to Medicare or with a Special Enrollment Period (SEP):

- Target marketing and outreach to individuals aging into Medicare or SEP qualifiers, clearly separating messaging from OEP-specific content.[i]

5. Documenting Everything

All client interactions should be recorded in your CRM

- Note how contact was initiated.
- Record the topics discussed.
- Document clear requests or permissions.

Keeping good records is essential if CMS audits your activities.[iii]

Your OEP Compliance Checklist

- Are my materials free of OEP-specific plan change language?
- Am I assisting only clients who reach out first?
- Are my educational materials general, not plan-specific?
- Am I seeking referrals within CMS guidelines?
- Do I have complete records for every interaction and permission?

Final Thoughts

OEP is a key opportunity for agents to focus on service, education, appropriate prospects, and diligent documentation. Keeping your clients' interests front and center protects both your business and your license.

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	OEP runs January 1 – March 31 each year.
	Only individuals already enrolled in a Medicare Advantage (MA) plan can make changes during OEP.
	People on Original Medicare or a stand-alone PDP cannot enroll in MA during OEP.
	Beneficiaries may make one plan change during OEP.
	People on Original Medicare or a stand-alone PDP cannot enroll in MA during OEP.
	Beneficiaries may make one plan change during OEP.
	Provide educational (non-marketing) information about OEP when requested.
	Respond only to beneficiary-initiated requests for plan change discussions.

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	Do NOT send unsolicited marketing materials to MA or PDP enrollees.
	Do NOT target individuals based on AEP enrollment decisions.
	Do NOT advertise OEP or imply switching opportunities.
	Do NOT contact former clients who enrolled in a new plan during AEP.
	Do NOT promote OEP as a sales opportunity.
	Marketing must avoid phrases like 'change now' or referencing OEP explicitly.
	General education, SEP, Age-In, and Dual Eligible marketing is allowed.
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	Retention calls permitted if educational and beneficiary-initiated for plan changes.
	Document all beneficiary-initiated requests before discussing plan options.
	Ensure websites mention OEP only in an educational, non-marketing context.
	Avoid CTAs implying beneficiaries can switch plans during OEP.
	Review all communications to ensure no OEP-targeting language is present.

Works Cited

i. Centers for Medicare & Medicaid Services. *Medicare Advantage Open Enrollment Period*. Medicare.gov, 2023, https://www.medicare.gov/sign-up-change-plans/typesof-medicare-health-plans/medicare-advantage/medicare-advantage-open-enrollment-period.

ii. Centers for Medicare & Medicaid Services. *Medicare Communications and Marketing Guidelines*. CMS, 2023, https://www.cms.gov/files/document/medicarecommunications-and-marketing-guidelines-mcmg-2023.pdf.

iii. Centers for Medicare & Medicaid Services. *General Information: CMS Record Retention Requirements*. CMS, 2022, https://www.cms.gov/about-cms/agencyinformation/records-management-and-privacy/records-retention.