



December 5, 2022

Honorable Mike Rounds  
United States Senate  
Washington, D.C., 20510

Dear Senator Rounds,

On behalf of the National Association of Professional Insurance Agents<sup>1</sup> (PIA), thank you for introducing S. 5149, which would remove agents from a definition that would result in burdensome requirements for agents enrolling consumers into Medicare. PIA strongly supports this legislation.

In May of this year a rule issued by the Centers for Medicare and Medicaid Services (CMS) that makes changes to the "Medicare Program: Contract Year 2023 Policy and Technical Changes to the Medicare Advantage and Medicare Prescription Drug Benefit Programs," also referred to as the Medicare Marketing Rule, was finalized. Agents and brokers were excluded from stakeholder discussions during the rule's development; as a result, it does not reflect the business practices of independent agents and brokers and their relationships with their clients.

The final rule seeks to discourage dishonest marketing behaviors by requiring third-party marketing organizations (TPMOs) to record all enrollment conversations. However, such entities are already required to record all enrollment conversations. This rule broadens the definition of TPMOs to impose an unnecessary burden on independent agents and brokers who will be subject to this new recording requirement. This could result in millions of Medicare beneficiaries not being able to have access to assistance with the enrollment process that can only be provided by licensed professionals.

S. 5149 seeks to reverse the negative effects this rule would have by excluding independent agents and brokers from the requirement to record calls with beneficiaries under the Medicare Advantage and Prescription Drug Benefit programs.

Thank you again for your leadership on this important issue. Please contact Jon Gentile, PIA's vice president of government relations at [jgentile@pianational.org](mailto:jgentile@pianational.org) if we can be of further assistance.

Sincerely,

Mike Becker  
Executive Vice President and CEO  
National Association of Professional Insurance Agents

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<sup>1</sup> PIA represents independent insurance agents in all 50 states, Puerto Rico, and the District of Columbia.