



DIVISION OF INSURANCE

Frank H. Murkowski, Governor

BULLETIN B 05-11

TO: ALL LICENSEES AUTHORIZED TO MARKET HEALTH INSURANCE IN THE STATE OF ALASKA AND OTHER INTERESTED PARTIES

RE: MARKETING MEDICARE PRESCRIPTION DRUG BENEFITS, MEDICARE PART D

Marketing of the new Medicare prescription drug benefit, Medicare Part D, has been allowed since October 1, 2005. According to the Centers for Medicare & Medicaid Services (CMS), **only state-licensees authorized to market health insurance** are allowed to market Medicare Part D prescription drug benefits. All applicable state laws regarding the activity of such licensees apply to the marketing of Medicare Part D prescription drug benefits.

The Division of Insurance has been informed that CMS is receiving complaints regarding alleged misconduct by licensees with regard to marketing Medicare Part D prescription drug benefits. CMS will refer complaints it receives about licensees in this state to the division. This bulletin serves as a reminder that licensees are subject to all laws of this state, including those relating to the duty of good faith and fair dealing and the prohibitions against misrepresentation, churning, and high pressure sales tactics.

The new Medicare Part D benefits may be confusing to Medicare beneficiaries. A licensee who takes advantage of a lead relating to Medicare Part D benefits to sell other insurance products to a Medicare beneficiary may be violating Alaska law, particularly unfair trade practice laws.

The division will investigate allegations of misconduct related to Medicare Part D benefits marketing. Any proven misconduct will be prosecuted under the applicable laws of this state.


Sources of information on Medicare Part D prescription drug benefits are:

1. Medicare website at www.medicare.gov;
2. Medicare at 1-800-MEDICARE;
3. The Alaska Commission on Aging website at www.alaskaaging.org;

4. Alaska Commission on Aging at 1-907-269-3680 or toll-free within the state at 1-800-478-6065.

If you have questions regarding the information in this bulletin, please contact the division at (907) 465-2515 (Juneau) or (907) 269-7900 (Anchorage).

Dated this 16th day of November, 2005.

A handwritten signature in cursive script, reading "Linda S. Hall", is written over a solid horizontal line.

Linda S. Hall
Director