NC DEPARTMENT of INSURANCE
MIKE CAUSEY, COMMISSIONER
Tel 919.807.6000 Fax 877.895.5171

ADVISORY MEMORANDUM

TO: Medicare Advantage Organizations (MAOs), Prescription Drug Plan Sponsors (PDPs), and Licensed Agents & Brokers

FROM: Agent Services Division, Seniors' Health Insurance Information Program (SHIIP) Division

DATE: September 4, 2025

SUBJECT**:** Prohibition on Marketing New Medicare Plan Options Prior to October 1st – Compliance with 42 CFR §§ 422.2263, 423.2263, and Medicare Communications and Marketing Guidelines

---

The Medicare Open Enrollment Period begins October 15 and ends December 7, 2025. This memorandum serves as an important reminder to all licensed insurance agents and brokers that marketing of new Medicare Advantage (MA) and Medicare Part D Prescription Drug Plan (PDP) options for the upcoming plan year may not begin before October 1, 2025. This restriction is a federal requirement and clarified in the Medicare Communications and Marketing Guidelines (MCMG) issued by the Centers for Medicare & Medicaid Services (CMS).

Regulatory Overview

- 42 CFR § 422.2263 (Medicare Advantage):

"MA organizations may not begin marketing activities for an upcoming plan year prior to October 1 of the preceding year."

- 42 CFR § 423.2263 (Prescription Drug Plans):

"Part D sponsors may not begin marketing activities for an upcoming plan year prior to October 1 of the preceding year."

- Medicare Communications and Marketing Guidelines (MCMG):
  - CMS defines "marketing" as activities and materials with the intent to draw a beneficiary's attention to a plan or influence a beneficiary's decision to enroll, including promotion of plan benefits, premiums, or cost-sharing.
  - The MCMG reiterates that marketing for the upcoming contract year may not occur before October 1, even in informal settings such as conversations with potential enrollees or community events.

What This Means for Agents

Before October 1, agents may NOT:

- Discuss specific benefits, premiums, or costs of next year's plans
- Distribute any plan-specific materials related to the upcoming contract year
- Host or participate in events promoting next year's plan options
- Conduct one-on-one meetings to present future-year plan information
- Advertise 2026 plan options via print, digital, broadcast, or social media

Agents MAY:

- Conduct educational events that are strictly non-marketing in nature
- Discuss current-year plan options only (i.e., 2025 plans)
- Continue servicing current members without referencing upcoming changes

Questions about the advisory memorandum can be directed to Melinda Munden, Deputy Commissioner of NCDOI's Seniors' Health Insurance Information Program (SHIIP) at melinda.munden@ncdoi.gov.