



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

October 24, 2022

Chiquita Brooks-LaSure  
Administrator  
Centers for Medicare & Medicaid Services  
Department of Health and Human Services  
7500 Security Boulevard  
Baltimore, MD 21244-1850

Dear Administrator Brooks-LaSure:

I am writing to you to express my concerns regarding the Centers for Medicare & Medicaid Services' (CMS) final rule on Policy and Technical Changes to the Medicare Advantage and Medicare Prescription Drug Benefit Programs; Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency; Additional Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency, specifically regarding agent, broker, and other third-party requirements. As you know, this rule requires CMS to keep phone records between brokers/ agents and beneficiaries for 11 years. I request that CMS suspends this rule for one year so that companies can properly implement this system.

Brokers and agents play a significant role to help beneficiaries navigate Medicare Advantage to receive the best care possible. However, there has been an increase of complaints regarding brokers and agents encouraging Medicare beneficiaries to buy certain plans that may not necessarily make sense for the patient. Although, some states are active on their oversight of brokers agents, others leave the oversight of brokers and agents at the federal level.

Recording every call is intrusive and may deter some Medicare beneficiaries from making calls to agents/ brokers. In addition, the cost for web storage will be extremely high for 11 years' worth of calls. Alternatively, one percent of calls from random samples could be recorded for quality and training purposes and calls could be kept for a shorter period.

Another major concern is that this will create additional burdens on the beneficiary, the broker and agent. Should CMS continue to work toward this implementation, setting up the technology



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to obtain recordings could take up a year alone. If each company is required to obtain a recording, brokers and agents will not know which carrier that will best for the client until they look at the clients' pharmaceutical drugs and physicians that they need to see to determine which plan best meets their needs. This would require brokers and agents to discontinue the call with the beneficiary as they would be needed to call the phone system that the agents and brokers are working with.

I understand that this rule is set to protect patients from brokers and agents motivated by making a commission rather than doing what is best for the patient. However, as this rule has been recently promulgated there has not been a sufficient amount of time for companies to get their systems in place. In addition, beneficiaries may decline being recorded, which would require them to set up a face-to-face meeting, a challenge for the many Medicare beneficiaries who suffer impairments in vision, hearing, mobility, and cognition. In 2020, there were about 13 percent of homebound adults living in the United States on Medicare<sup>1</sup>. For rural areas, especially those with no access to intercity bus transportation, which is about 21 percent of all rural residents, this will only cause more inconvenience that will ultimately harm the patients and Medicare Advantage plans. States need time to fully implement a system to record and keep phone conversations, which is why we urge you to delay implementation for one year.

Thank you for your consideration. Please reach out to my Legislative Assistant, Kendyl Willox at 202-225-6576 or [kendyl@mail.house.gov](mailto:kendyl@mail.house.gov).

Sincerely,

A handwritten signature in cursive script that reads "Mariannette J. Miller-Meeks".

Mariannette J. Miller-Meeks, M.D.

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<sup>1</sup> <https://www.beckershospitalreview.com/post-acute/number-of-homebound-older-adults-in-us-doubled-in-2020-study-finds.html>