

## Form Filing Checklist – Medicare Supplement Advertisements

TOIs: MS09.000 - Medicare Supplement & Medicare Cost

MS07I.012 & MS07G.012 - Medicare Select

### DISCLAIMER

*The form filing checklists are intended only as guides for submitting various policy forms to the Office of the Commissioner of Insurance (OCI). The checklists are summaries, and are not intended as an OCI directive nor to interpret or address technical legal questions. Use of these checklists does not guarantee automatic approval of policy form submissions. Although efforts have been made to ensure that the checklists are current and accurate, information is subject to change on a regular basis without prior notice.*

The cites in the second column reference Wisconsin statutes unless they begin with “Ins”, which indicates an administrative code [regulation]

Filings are accepted via e-mail as well as SERFF. Please submit your e-mail form filings to [ociratesforms@wisconsin.gov](mailto:ociratesforms@wisconsin.gov). All correspondence regarding e-mail filings will also be handled electronically.

General Filing Requirements	Reference	Comments
Policy Form Transmittal Document	601.42 Ins 6.05(4)(a)1	For e-mail filings, submit a properly completed NAIC Life and Health transmittal document. Forms and instructions are available on the NAIC website at <a href="http://www.naic.org/industry_rates_forms_trans_docs.htm">http://www.naic.org/industry_rates_forms_trans_docs.htm</a> . Agents should file advertisements using forms and instructions available at <a href="http://oci.wi.gov/ociforms/26-042.pdf">http://oci.wi.gov/ociforms/26-042.pdf</a> .
Cover Letter (e-mail filing) Filing Description (SERFF)	Ins 6.05(4)(a)3a	Include a brief explanation of use and intent of the form filing, or that identifies amendments to prior policy form filing.
Certificate of Compliance	Ins 6.05(4)(a)2 Ins 6.05 Appendix A	For e-mail filing, submit certificate of compliance and readability substantially identical to Appendix A, s. Ins 6.05, Wis. Adm. Code, signed by an officer of the insurer. Agents should submit the certificate available at <a href="https://oci.wi.gov/Documents/OCIFORMS/26-042.pdf">https://oci.wi.gov/Documents/OCIFORMS/26-042.pdf</a> . For SERFF submissions, include information identified in SERFF form filings instructions.
Statement of Variability	Ins 6.05(4)(a)5	If a form contains variable material or language, a written description identifying the range of the variable material or language.
Advertisement Form Number	Ins 3.27(26)	An advertisement that is an invitation to apply or an invitation to inquire and that is mass-produced shall be identified by a form number. The form number shall be sufficient to distinguish it from any other advertising form or any policy, application or other form used by the insurer/agent.

<b>Advertisement Filing Requirements</b>	<b>Reference</b>	<b>Comments</b>
Medicare Supplement Advertisements	Ins 3.39(15)	Prior to use in Wisconsin, every issuer/agent shall file with the commissioner a copy of any advertisement used in connection with the sale of Medicare supplement, Medicare select or Medicare cost policies issued.
Identity of Insurer	Ins 3.27(12)(a), (b) & (e)	The identity of the insurer shall be made clear in all of its advertisements. An advertisement shall not use a trade name, an insurance group designation, the name of the parent company of the insurer, the name of a government agency or program, the name of a department or division of an insurer, the name of an agency, the name of any other organization, a service mark, a slogan, a symbol or any other device which has the capacity and tendency to mislead or deceive as to the identity of the insurer. An advertisement which indicates an address for an insurer other than that of its home office shall clearly identify such address and clearly disclose the actual city and state of domicile of the insurer.
Specified Prohibitions Implying Connection to Governmental Agency	Ins 3.27(12)(c)	An advertisement shall not use any combination of words, symbols or materials which, by its content, phraseology, shape, color, nature or other characteristics, is so similar to combinations of words, symbols or materials used by federal, state or local government agencies that it tends to confuse or mislead prospective buyers into believing that the solicitation is in some manner connected with such a government agency.
Definition of Advertisement	Ins 3.27(5)(a)	Printed and published material, audio visual material and descriptive literature of an insurer used in newspapers, magazines, other periodicals, radio and TV scripts, the internet, web pages, electronic or computer presentations, billboards and similar displays, excluding advertisements prepared for the sole purpose of obtaining employees, agents or agencies. Descriptive literature and sales aids of all kinds issued by an insurer or agent for presentation to members of the public, including but not limited to circulars, leaflets, booklets, depictions, illustrations and form letters.
Definition of Invitation to Apply	Ins 3.27(5)(g)	An advertisement that is the direct or principal sales inducement and is designed to invite an offer to contract. Such an advertisement, which usually describes benefits in considerable detail, attempts to persuade the reader or listener to make application for the policy advertised. Such an advertisement would indicate what coverage the purchaser would receive and what such coverage would cost.
Definition of Invitation to Inquire	Ins 3.27(5)(h)	An advertisement that is designed to attract the reader's or listener's interest in the policy so that he or she will inquire for further information or details. Such an advertisement describes the policy broadly and withholds some information regarding the policy without which the reader or listener would not reasonably decide to apply for the policy.
Other General Definitions of Advertisements	Ins 3.27(5)	Institutional advertisement; testimonial; endorsement; group basis.

Advertisements and Representations in General	Ins 3.27(6)	Advertisements and representations shall be truthful and not misleading in fact or in implication and shall accurately describe the policy to which they apply. Words or phrases the meaning of which is clear only by implication or by familiarity with insurance terminology shall not be used.
Outline of Coverage	Ins 3.27(8)	Every advertisement of a specific individual policy or policies which constitutes an invitation to apply shall include an outline of coverage.
Deceptive Words, Phrases or Illustrations	Ins 3.27(9)	An advertisement shall not exaggerate a benefit or minimize cost by overstatement, understatement or incompleteness.
Specified Deceptive Words and Phrases	Ins 3.27(9)(b)	The words and phrases “all”, “full”, “complete”, “comprehensive”, “unlimited”, “up to”, “as high as”, “this policy will pay your hospital and surgical bills”, “this policy will fill the gaps under Medicare and your present insurance” or “this policy will replace your income”, or similar words and phrases shall not be used so as to exaggerate any benefit beyond the terms of the policy, but may be used only in such manner as fairly to describe such benefit.
Exaggeration – Limitation or Non-Duplication	Ins 3.27(9)(r)	If a policy contains a Medicare exception, reduction, limitation or deductible provision or a coordination of benefits or non-duplication provision or similar provision, an advertisement referring to such policy shall not state that benefits are payable in addition to other insurance unless the statement contains an appropriate reference to the coverage excepted.
Description of Government Insurance Programs	Ins 3.27(9)(u)	The description in advertisements of government insurance programs, including Medicare, and of changes in such program shall be accurate and not give an incorrect impression as to the need for supplementary coverage. If gaps in such programs are referred to, they shall be described fairly so that the reader or listener can determine how the policy being advertised covers such gaps.
Invitation to Apply – Medicare Supplement Policy	Ins 3.27(9)(v)	An invitation to apply advertisement which refers to a policy as being a Medicare supplement shall contain a prominent statement indicating which Medicare benefits the policy is intended to supplement (for example, hospital benefits) and which Medicare benefits the policy will not supplement (for example, medical-surgical benefits) and shall clearly disclose any gaps in Medicare coverage for which the policy does not provide benefits and clearly indicate the extent of the benefits if the policy bases benefits on expenses incurred beyond what Medicare covers and thus provides somewhat limited benefits for short term hospital confinements.
Exaggeration – Preexisting Condition Waiting Periods	Ins 3.27(9)(y)	An advertisement shall not state that the policy contains no waiting period unless pre-existing conditions are covered immediately or unless the status of pre-existing conditions is disclosed with equal prominence and in close conjunction with such statement.
Exaggeration – Exceptions, Reductions or Limitations	Ins 3.27(9)(ze)	An advertisement shall not set out exceptions, reductions or limitations from a policy worded in a positive manner to imply that they are beneficial features. Words and phrases used to disclose exceptions, reductions or limitations shall fairly and accurately describe their

		negative features. The words “only” or “minimum” or similar words or phrases shall not be used to refer to exceptions, reductions or limitations.
Information Concerning the Federal Medicare Program	Ins 3.27(9)(zh)	(zh) An advertisement which describes or offers to provide information concerning the federal Medicare program or any related government program or changes in such programs shall: 1. Include no reference to such program on the envelope, the reply envelope or to the address side of the reply postal card, if any, 2. Include on any page containing a reference to such program an equally prominent statement to the effect that in providing supplemental coverage the insurer and agent involved in the solicitation is not in any manner connected with such program, 3. Contain a statement that it is an advertisement for insurance or is intended to obtain insurance prospects, 4. Prominently identify the insurer or insurers which issues the coverage, and 5. Prominently state that any material or information offered will be delivered in person by a representative of the insurer, if such is the case.
Exceptions, Reductions and Limitations	Ins 3.27(10)	When an advertisement refers to any dollar amount of benefits payable, period of time for which any benefit is payable, cost of policy, specific policy benefit or the loss for which such benefit is payable, it shall also disclose those exceptions, reductions and limitations (including waiting, elimination, probationary or similar periods and pre-existing condition exceptions) affecting the basic provisions of the policy without which the advertisement would have the capacity and tendency to mislead or deceive.
Testimonials, Endorsements or Commendations by Third Parties	Ins 3.27(13)(a) & (c)	An advertisement shall not contain a testimonial, endorsement or other commendatory statement concerning the insurer, its policies or activities by any person who receives any pay or remuneration, directly or indirectly, from the insurer in connection with such testimonial, endorsement or statement. An insurer shall not use a testimonial or endorsement that is fictional, or for more than 2 years after the date on which it was originally given or 2 years after the date of a prior confirmation without obtaining a confirmation that the statement represents the author's current opinion.
Disclosure of Proprietary Relationship	Ins 3.27(13)(d)	An advertisement shall not state or imply that an insurer or a policy has been approved or endorsed by an individual, group of individuals, society, association or other organization, unless such is the fact. Any proprietary relationship between such society, association or other organization and the insurer shall be disclosed. If such society, association or other organization has been formed by the insurer or is owned or controlled by the insurer or the person or persons who own or control the insurer, the advertisement shall clearly disclose such a fact.
Endorsements – Government Publications	Ins 3.27(13)(f)	An advertisement shall not state or imply that a government publication has commended or recommended the insurer or its policy.

Approval, Endorsement or Accreditation by Agency of the State or Federal Government	Ins. 3.27(14)(b) & (c)	An advertisement shall not state or imply, or otherwise create the impression directly or indirectly, that the insurer, its financial condition or status, the payment of its claims, its policy forms or the merits or desirability of its policy forms or kinds or plans of insurance are approved, endorsed or accredited by any agency of this state or the federal government.
Endorsement by any Wisconsin State Agency or the OCI	Ins 3.27(14)(c)	In any advertisement any reference to licensing shall contain an appropriate disclaimer that such reference is not to be construed as an endorsement or implied endorsement of the insurer or its products by any agency of this state or the commissioner of insurance.
Introductory, Initial or Special Offers and Limited Enrollment Periods	Ins 3.27(15)(a)	An advertisement shall not state or imply that a policy or combination of policies is an introductory, initial or special offer and that the applicant will receive advantages not available at a later date by accepting the offer, that only a limited number of policies will be sold, that a time is fixed for the discontinuance of the sale of the policy advertised because of special advantages available in the policy, or that an individual will receive special advantages by enrolling within an open enrollment period or by a deadline date, unless such is the fact.
Group, Quasi-Group or Special Class Implications	Ins 3.27(17)	An advertisement shall not state or imply that prospective policyholders or members of a particular class of individuals become group or quasi-group members or are uniquely eligible for a special policy or coverage and as such will be subject to special rates or underwriting privileges or that a particular coverage or policy is exclusively for preferred risks, a particular segment of people, or a particular age group or groups, unless such is the fact.
Identification of Plan or Number of Policies	Ins 3.27(19)(a)	When an advertisement refers to a choice regarding benefit amounts, it shall disclose that the benefit amounts provided will depend upon the plan selected and that the premium will vary with the amount of the benefits.
Use of Statistics	Ins 3.27(20)(a)	An advertisement which sets out the dollar amounts of claims paid, the number of persons insured or other statistical information shall identify the source of such statistical information and shall not be used unless it accurately reflects all of the relevant facts. Irrelevant statistical data shall not be used.
Service Facilities	Ins 3.27(21)(a)	An advertisement shall not contain untrue statements with respect to the time within which claims are paid.
Statements About an Insurer	Ins 3.27(22)	An advertisement shall not contain statements which are untrue in fact or are by implication misleading with respect to the insurer's assets, corporate structure, financial standing, age, experience or relative position in the insurance business.
Disparaging Comparisons and Statements	Ins 3.27(23)	An advertisement shall not directly or indirectly make unfair or incomplete comparisons of policies or benefits and shall not falsely or unfairly disparage, discredit or criticize competitors, their policies, services or business methods or competing marketing methods.
Cold Lead Advertising	Ins 3.39 (24)(c)3	Making use directly or indirectly of any method of marketing which fails to disclose that a purpose is solicitation of the purchase of insurance and that contact will be made by an agent or issuer is prohibited.