Call Recording and Retention Requirements and Suggested Use of Telephony Systems for MA & PDP Telesales

To ensure compliance with CMS guidelines, all Third-Party Marketing Organizations (TPMOs), including independent agents, brokers, and call centers, are strongly encouraged to use a telephony system to meet the call recording, scripting, disclosure, and conduct standards outlined below.

<u>Compliant Telephony Systems</u>

- Conduct all inbound and outbound MA/PDP marketing, sales, and enrollment-related calls through telephony platforms that can record and store calls.
- Personal cell phones, VoIP tools, and consumer calling apps typically **cannot** meet call recording requirements and cannot support scripting and disclosure requirements.

- Never alter device or system settings that affect caller ID, recording, or system logging.

Call Recording

- Record the full duration of marketing, sales, and enrollment-related calls, including inbound, outbound, and virtual meetings conducted via voice. You must record conversations about needs assessments, pre-sale/sales presentations and the enrollment process.
- The recording must continue through transfers and three-way calls.
- During warm transfers, confirm that the recording remains active on an approved system.
- Do not pause, mute, or disable recording functions at any time during a required-to-record call, including during holds or transfers.
- Be sure to capture clear audio for both the agent and the consumer.

Scripts & Disclosures

- At the start of the call, clearly state that the call is being recorded and obtain a verbal consent to continue. If the consumer does not consent to being recorded, end the call and offer an alternative, such as a face-to-face appointment.
- All telephonic sales and/or enrollments MUST follow CMS/plan-approved scripts, disclosures, and talking points. Do not deviate, paraphrase, or introduce unapproved content. This is where a telephony system can assist you in assuring compliance. This requirement does not just apply to call center-type agents. The requirement applies to FIELD agents who do ANY portion of the selling or enrollment process over the phone.

Retention Requirements

- Securely store recordings according to applicable CMS guidelines.
- Do not edit or alter any recording.
- Ensure recordings are quickly retrievable for audits, complaint investigations, or chain of enrollment (COE) reviews. For CMS requests, the general turnaround time is within 24 hours.
- Maintain call timestamps and caller identification data, including records of whether the call was inbound or outbound.
- Immediately document recording failures and telephony malfunctions with dates, times, and descriptions.
- Immediately notify your upline and all carrier partners of any call recording failure or telephony malfunction. This is deemed a data loss incident which must be reported. Be prepared to provide a root-cause analysis along with a mitigation and remediation plan.

YPC does not endorse any specific brand of telephony system, the system you select must support the regulatory requirements noted above. Compliance is based on system functionality, not vendor name.

It is your responsibility to ensure that you meet all carrier and CMS requirements for call recording and storage. Non-compliance will result in disciplinary action, up to and including termination.

Important Notice: This Compliance Bulletin is intended strictly for licensed agent use only. Do not distribute to clients, prospects, or any unauthorized individuals.

Please share this with all agents in your hierarchy so they are aware of these requirements.

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