

CMS CY 2027 Final Rule: What Agents Need to Know

*A Practical Guide for Serving Clients
Better — Without Losing Compliance*



Big Picture

The CMS 2027 Final Rule is about **reducing friction** while **preserving strong consumer protections**. The focus is no longer on rigid timing rules, but on **clarity, transparency and consumer choice**.

KEEP IN MIND: The updated rules take effect October 1, 2026. Sales activities involving 2026 plans remain subject to the 2026 plan year requirements.

What Changed (and Why It Matters)

Faster, More Responsive Conversations



- **No 48-hour waiting period** after completing a Scope of Appointment (SOA)
- Agents may discuss plans **immediately** after an SOA — same day, same call or same meeting
- CMS recognizes that consumers often want help **when they ask for it**

Simplified Call Recording Rules



- **All marketing, sales, and enrollment calls must still be recorded in their entirety**
- Marketing and sales call retention reduced to **6 years** (audio for 3, transcripts for 3)
- Enrollment recordings still require **10-year retention**

More Flexible Events



- Educational and sales/marketing events may occur **on the same day**
- The prior **12-hour buffer is eliminated**
- CMS cares less about time gaps and more about **clear transitions and consumer choice**

Clearer TPMO Rules



- TPMO disclaimers are still required — but only **before plan benefits are discussed**
- No need to front-load long disclaimers before the consumer understands the conversation
- Less confusion for consumers, clearer expectations for agents

What Did NOT Change

- SOAs are **still required**
- Misleading or deceptive marketing is **still prohibited**
- TCPA rules **still apply** (CMS flexibility ≠ permission to overcommunicate)
- Consumers must always have the **option to decline, pause or leave**

Best Practices for Agents

Use the SOA as a Communication Tool

- Explain in plain language what products will be discussed
- Confirm understanding before moving into plan-specific details
- Treat the SOA as consumer education — not just paperwork

Stay TCPA Smart

- CMS marketing flexibility does **not override TCPA**
- Obtain proper consent for calls and texts
- Honor opt-outs immediately
- Ensure lead sources are TCPA compliant — not just CMS compliant

Running Education + Sales on the Same Day

To meet CMS expectations:

- Clearly announce when education ends and sales begin
- Use signage or slides stating “Sales/Marketing Event”
- Give consumers a **real opportunity to leave** without pressure
- Complete the SOA **before** discussing specific plans

Special Enrollment Periods (SEPs)

- Some SEPs now require **CMS validation**
- Certain enrollments must go through **Medicare.gov or 1-800-MEDICARE**
- Agents play a key **role**, even when CMS controls enrollment execution

How to Think About These Changes Overall

- ✓ Move faster **when consumers are ready**
- ✓ Slow down **when clarity is needed**
- ✓ Be transparent, not transactional
- ✓ Document well and communicate clearly

The agents who succeed under the 2027 rule are those who pair efficiency with professionalism.

Bottom Line

*CMS removed unnecessary hurdles — but raised expectations for judgment, clarity and consumer trust. These changes are an opportunity to **serve clients better**, not cut corners.*



CMS CY 2027 Final Rule — Agent Compliance Checklist

Before Any Plan Discussion

- ❑ Confirm whether the conversation is **educational or sales/marketing**
- ❑ Clearly explain to the beneficiary **what type of conversation** they are having
- ❑ Do not discuss specific plans or benefits until an SOA is completed

Scope of Appointment (SOA)

- ❑ SOA completed **before** plan-specific discussion
- ❑ SOA accurately reflects **all product types** to be discussed
- ❑ SOA may be completed **same day / same call / same meeting**
- ❑ SOA may be collected at an **educational event** (education must remain education)
- ❑ SOA stored and retained per CMS requirements
- ✅ *Remember: No 48-hour waiting period — but clarity still matters.*

Educational + Sales Events (Same Day)

- ❑ Educational portion contains **no plan comparisons or sales content**
- ❑ Clear verbal notice that education has ended
- ❑ Clear verbal or written notice that **sales/marketing is beginning**
- ❑ Beneficiaries are given a **real opportunity to leave**
- ❑ SOA completed **before** any plan discussion
- ✅ *CMS looks for transparency, not a stopwatch.*

Marketing & Outreach (TPMO/TCPA)

- ❑ TPMO disclaimer delivered **before discussing plan benefits**
- ❑ Disclaimers are **clear, accurate and not rushed**
- ❑ TCPA consent obtained for calls/texts
- ❑ Opt-outs honored immediately
- ❑ Lead vendors vetted for TCPA compliance
- ⚠️ *CMS flexibility does NOT override TCPA.*

Calls & Recordkeeping

- ❑ All marketing, sales, and enrollment calls must still be recorded in their entirety.
- ❑ Marketing and sales calls retained for **6 years**
 - Audio: first 3 years
 - Transcript: next 3 years
- ❑ Enrollment records retained for **10 years**
- ❑ Call systems properly flag enrollment vs. nonenrollment calls

Special Enrollment Periods (SEPs)

- ❑ Confirm whether the SEP requires **CMS validation**
- ❑ Know which enrollments must go through **Medicare.gov / 1-800-MEDICARE**
- ❑ Set correct expectations with clients early
- ❑ Document guidance provided to beneficiary
- ✅ *Agents advise; CMS may effectuate.*

During the Sales Conversation

- ❑ Reconfirm what products are being discussed
- ❑ Avoid pressure, urgency or misleading statements
- ❑ Encourage questions and pauses
- ❑ Allow beneficiary to decline or stop at any time

After the Interaction

- ❑ Ensure documentation is complete
- ❑ Store SOA, call records and notes appropriately
- ❑ Follow up only within consented channels
- ❑ Honor any do-not-contact requests

Agent Mindset Under the 2027 Rule

- ✅ Move faster **when the consumer is ready**
- ✅ Slow down **when clarity is needed**
- ✅ Be efficient **without being transactional**
- ✅ Treat compliance as part of the consumer experience

Bottom Line

CMS removed unnecessary barriers — but expects professional judgment, clear communication and strong documentation.