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.**

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

- **Only calls that result in enrollment must be recorded**
- Marketing call retention reduced to **6 years** (audio for 3, transcripts for 3)
- Enrollment records 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**

FOR AGENT USE ONLY. NOT FOR PUBLIC DISTRIBUTION.

Last updated April 2026

BERWICK INSURANCE GROUP
AN INTEGRITY COMPANY

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 **advisor 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)

- ☐ Determine whether you are acting as a **TPMO**
- ☐ 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 verified as **TCPA compliant**
- ⚠ *CMS flexibility does NOT override TCPA.*

Calls & Recordkeeping

- ☐ Record **only calls that result in enrollment**
- ☐ Marketing 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.