

How Agents Can Deal with Non-Commissionable Plans in Client Conversations

Agents are increasingly encountering Medicare Advantage (MA/ MAPD) and Prescription Drug Plans (PDPs) that are labeled as non-commissionable. Charging a flat fee is a tricky compliance area. Here's the CMS rule in plain English:

- Agents/brokers may not charge a fee to a beneficiary for helping them enroll in a Medicare Advantage (MA) or Part D plan.
- CMS views that as “double compensation” and a potential steering conflict.
- Payment for MA/PDP enrollments can only come from the carrier (via commissions/overrides), not the consumer.

You can charge fees for services outside of the Medicare plan enrollment itself. Examples:

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| 01 Financial planning | 02 Group insurance consulting |
| 03 Under-65 health coverage, life, and ancillary lines | 04 General admin or retirement planning services |

But, if you're assisting with a Medicare enrollment (even if the plan is non-commissionable), you cannot bill the client directly for that work.

- **CMS rule of thumb:** You cannot charge beneficiaries a fee for MA or PDP enrollment work (even if the plan pays \$0). You can provide education, show how to self-enroll, or refer to state-funded help (use CMS Agent/Broker Compensation guidance + plan marketing rules). Centers for Medicare & Medicaid Services

Here are key strategies for navigating those conversations:

- Always verify carrier communications for Minnesota-specific rules on commissionable vs. non-commissionable products.
- Reinforce your role as a trusted advisor, emphasizing that your value lies in navigation, compliance, risk management, and long-term client support, not just commission.
- Document recommendations and rationale carefully in your CRM for compliance and future reference.

Micro-scripts (compliant & empathetic):

01 When best fit is non-commissionable:

“My recommendation is based on your doctors, drugs, and budget. This plan is your best fit. CMS doesn’t allow me to charge for Medicare enrollments, so I’ll show you exactly how to enroll directly and stay available for general questions afterward.” (Reinforce client-first.)

Centers for Medicare & Medicaid Services

02 If client asks why you’re not paid:

“Some plans don’t compensate agents. I’ll still compare all options and tell you what’s best—even when I’m unpaid—so you don’t overpay or lose doctors.”

03 If client insists on hands-on enrollment help:

“Because of Medicare rules, I can’t charge for enrolling you in MA/PDP. If you prefer full service, I can connect you with free state help that’s funded to do enrollments.” (Then handoff to SHIP/MN resources.)

RESOURCE

Minnesota Senior LinkAge Line (SHIP for MN)

Perfect for referring client to free, state-funded Medicare enrollment assistance, when their best option is a non-commissionable MAPD or PDP plan

- Phone (toll-free): 800-333-2433
- Address:
Minnesota Board on Aging
540 Cedar Street, P.O. Box 64976
St. Paul, MN 55164-0976
Fax: 651-431-7453
- Email Contact:
kellijo.greiner@state.mn.us
(Key staff contact listed on CMS SHIP database)
Centers for Medicare & Medicaid Services
- Hours of Operation:
8:00 AM – 4:30 PM CST, Monday through Friday
Centers for Medicare & Medicaid Services