

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Center for Consumer Information and Insurance
Oversight 200 Independence Avenue SW
Washington, DC 20201



January 15, 2025

Dear Agents and Brokers:

The Centers for Medicare & Medicaid Services (CMS) Center for Consumer Information and Insurance Oversight (CCIIO) takes misleading marketing by entities operating in the Affordable Care Act (ACA) Marketplace space seriously. Therefore, CCIIO has partnered with the Federal Trade Commission (FTC) to protect Marketplace consumers from misleading marketing practices.

In November 2024, the FTC published a consumer education [blog post](#) that provides concrete steps for consumers navigating this year's Marketplace Open Enrollment Period (November 1, 2024 – January 15, 2025) to avoid scammers.

On December 10, 2024, the FTC began sending out [warning letters](#) to lead generators and third-party marketing companies operating in the Marketplace space. At that time, the FTC sent such letters to 21 companies that market or generate sales leads for Marketplace health plans with the goal of providing guidance and putting the companies on notice about deceptive marketing practices that likely violate laws enforced by the agency. The FTC will continue to send out such letters as it identifies appropriate recipients going forward.

The types of claims both agencies are observing include:

- misrepresenting the benefits included in a healthcare plan, including any insurance benefits;
- misrepresenting that a healthcare plan is major or comprehensive medical health insurance or the equivalent of such health insurance;
- misrepresenting the costs of a healthcare plan; and
- falsely claiming that consumers who enroll in a healthcare plan will receive free offers, cash rewards, rebates, or other incentives.

CMS reminds all Marketplace-registered agents and brokers that they are required to act in accordance with all applicable Marketplace regulations and guidance, including upholding appropriate marketing guidelines and privacy and security agreements with CMS. Additionally, any agent, broker, or other entity operating in the Marketplace space who engages in misleading marketing practices, including misleading

advertisement creation and lead generation, can face serious legal consequences for violating laws and rules enforced by CMS and/or the FTC. For more information, take a look at the [FTC warning letters press release](#).

A handwritten signature in black ink, appearing to read "Ellen Montz". The signature is fluid and cursive, with the first name "Ellen" and the last name "Montz" clearly distinguishable.

Ellen Montz, PhD
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