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# MISSISSIPPI INSURANCE DEPARTMENT
# BULLETIN 2025-7

## UNFAIR TRADE PRACTICES IN MARKETING INSURANCE PRODUCT TO MISSISSIPPIANS ELIGIBLE FOR MEDICARE

**November 19, 2025**

## I. Purpose.

The purpose of this Bulletin is to ensure licensees understand that it is the position of the Mississippi Insurance Department ("MID") that any unfair trade practice by a licensee that leads to manipulation of the insurance market and withholding or denying access to products from Medicare-eligible consumers is a violation of the Unfair Trade Practices Act, *Miss. Code Ann.* §§83-5-29 through 83-5-51.

## II. Scope.

This bulletin applies to all carriers and producers who offer any health insurance plans to Mississippians eligible for Medicare, including Medicare Advantage and Medicare Supplement plans.

## III. Applicability.

It has been brought to MID's attention that some insurance carriers, including those offering Medicare Advantage plans have attempted to restrict access by either removing the enrollment application from their website, encouraging producers to avoid selling their products, or changing or discontinuing producer compensation.

The MID views these practices as an unfair trade practice or method of competition under *Miss. Code Ann.* §83-5-35, which prohibits any method of competition or act in the business of insurance that is unfair or deceptive, even if not specifically enumerated in statute.

It is an inappropriate and unfair practice, with the potential for great harm to Mississippi insurance consumers, for carriers to restrict access or dissuade consumers from buying a product that was filed to market in Mississippi and priced accordingly. To maintain fair competition in these markets, carriers must do the following:

- make available and easily accessible their applications for enrollment in all forms, including printed, on-line on their website, and through their appointed agents;

- not engage in convincing or suggesting their products not be sold, marketed or discouraging enrollment;
- not change compensation or commissions mid-year; and,
- provide compensation or commissions if the product they filed had built compensation into its rate development.

Compensation or commissions is not a buffer against a bad market or a method to bolster profits. Discontinuing commissions on any insurance products disincentivizes producers from marketing these products to those who need them. This practice is especially concerning when the carrier has appointed independent agents, has historically paid commissions for the same products, the rate development for the products included commissions, or the carrier did not provide advanced notice that the plans would be "zero commission only."

**IV. Penalties and Violations.**

All carriers and producers operating in Mississippi that offer insurance products to people eligible for Medicare are to act in good faith. All products filed and approved for sale must be made similarly accessible and marketed without artificial barriers or disincentives. If such products were filed or developed with an expectation to pay commissions, they should compensate producers accordingly. Only those carriers who expressly filed plans with a clear statement that the plan would provide zero commission are permitted to avoid compensating an appointed agent. Carriers are strongly cautioned against any other artificial manipulations of the Mississippi insurance market which would harm Mississippians eligible for Medicare.

All producers have an ethical and legal duty to put the best interest of the consumer first and are to assist the consumer in finding and acquiring the plan that best suits the consumer. Considerations of prescription drug coverage, provider access, overall cost, and affordability should be the priority.

MID will closely monitor compliance and may take any enforcement action allowed under *Miss. Code Ann.* §§83-5-37 through 83-5-49 against any carrier engaging in practices that manipulate the market or harm consumers.

**V. Effective Date.**

The provisions contained within this Bulletin shall be in effect on and after November 19, 2025.

Any health insurance issuer that has questions or needs assistance with the provisions of this Bulletin may call the Life and Health Actuarial Division at 601-359-3657.

**MIKE CHANEY**
**COMMISSIONER OF INSURANCE**