BULLETIN 2025-2

TO: Insurance Companies, Producers

FROM: Jon Godfread, Commissioner

DATE: November 6, 2025

SUBJECT: Medicare, Medicare Advantage, Medicare Supplement Enrollment Practices

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This bulletin applies to all health insurance companies and producers who offer any health insurance plans to North Dakota consumers eligible for Medicare, including Medicare Advantage, Medicare Supplement, Cost Plans and Prescription Drug plans.

The Department is aware that in some states, insurance companies, including those offering Medicare Advantage plans, have attempted to restrict access to plans by either removing the enrollment application from their website, encouraging producers to avoid selling their products, or changing or discontinuing producer compensation. The Department considers these types of actions unfair trade practices, unfair methods of competition, or deceptive acts under North Dakota Century Code §§ 26.1-04-02 and 26.1-04-03.

These statutes apply to insurance producers' sales practices, as well as insurance companies. It is a violation of the unfair trade practices to enroll a consumer in a product for the purpose of receiving a higher commission. Violating these statutes may result in producer license suspension, revocation, refuse to continue or refuse to issue any license issued under N.D.C.C. § 26.1-26-42. All producers have an ethical and legal duty to ensure the suitability of insurance products for their clients. Considerations of prescription drug coverage, provider access, overall cost, and affordability should be prioritized with the consumers best interest in mind.

To maintain fair competition in these markets, insurance companies and producers must:

- Make enrollment applications easily accessible — in print, online, and through appointed producers.
- Not discourage enrollment for compensation purposes.
- Not change compensation or commissions mid-year.
- Provide compensation or commissions only as approved in Department filings.

All carriers and producers operating in North Dakota that offer insurance products are to act in good faith. Because these unfair trade practices are prohibited by North Dakota law, insurance companies and producers are strongly cautioned against any artificial manipulation of the insurance market which would harm those eligible for Medicare.

The Department will closely monitor compliance and take necessary enforcement action under North Dakota law against any insurance company or producer engaging in practices that manipulate the market or harm consumers.

This Bulletin is not new law but is a notice of existing law and is in effect until rescinded by the North Dakota Insurance Commissioner. If you have any questions about this Bulletin, please contact Chrystal Bartuska, Division Director of Life, Health and Medicare at cabartuska@nd.gov.

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