

## Downstream Entity Attestation - Medicare Advantage

As a First-Tier Entity, Pinnacle Insurance Marketing LLC requires that Downstream Entities attest compliance with the relevant topics listed below in accordance with the provisions of 42 C.F.R. 422.503(b)(4)(vi), 422.504(i), 423.504(b)(4)(vi), and 423.505(i), as well as Chapter 21 of the Medicare Managed Care Manual and Chapter 9 of the Prescription Drug Benefit Manual.

Your company is regarded as a downstream business since Pinnacle has a contract with you to carry out a portion of the Pinnacle Field Marketing Organization (FMO) duties on behalf of one or more Medicare Advantage Organizations (MAO) and/or Part D Sponsors. Please respond to each of the Section II questions before signing the attestation.

### Compliance Questionnaire

#### 1. Code of Conduct and/or Compliance Policies

- ☐ My company has established internal compliance policies and conduct standards that adhere to the guidelines established by the MAO(s) and/or Part D Sponsor(s) for which my company performs downstream entity functions under Pinnacle, and we will keep doing so.
- ☐ The Pinnacle Compliance Program's policies and standards have been adopted by my organization and will be maintained.
- ☐ My company has established internal compliance regulations and standards of conduct, and it will do so in the future. The internal compliance standards and code of conduct that my organization adheres to are substantially the same as those of Pinnacle, the MAO(s), and/or the Part D Sponsor(s), for whom my organization fulfills downstream entity duties under Pinnacle.
- ☐ The aforementioned information has been distributed by my organization to employees and contractors, as appropriate, within ninety (90) days of hire and yearly thereafter.
- ☐ Not applicable. My organization does not have employees or contractors.

#### 2. General compliance and Fraud Waste and Abuse Training

- ☐ For employees and contractors (non-licensed staff or licensed staff who are not appointed by any insurance carrier) who are involved in the administration or delivery of Medicare business, as applicable, within ninety (90) days of hire and annually thereafter, my organization has implemented and will continue to implement general compliance training as well as Fraud, Waste, and Abuse Training that communicates the applicable statutes, regulations, and CMS guidelines.
- ☐ Not relevant. There are neither employees nor contractors working with my company.

**3. Exclusion List Screenings against Office of Inspector General List of Excluded Individuals and Entities ("OIG") <https://exclusions.oig.hhs.gov/> and General Services Administration System for Award Management ("GSA SAM" ). <http://www.sam.gov/>**

- ☐ In order to make sure that employees and contractors (non-licensed staff or licensed staff who are not appointed by any insurance carrier) involved in the administration or delivery of Medicare business are not prohibited from participating in federally funded health care programs, my organization has and will continue to screen OIG and GSA Lists for exclusions. Additionally, my company has conducted and will continue to conduct OIG and GSA screens of workers and contractors (non-licensed staff or licensed personnel who are not assigned by any insurance carrier) before hire and on a monthly basis thereafter. Upon Pinnacle's request, I will also supply supporting documentation.
- ☐ Not relevant. There are neither employees nor contractors working with my company.

**4. TPMO**

- ☐ Using a HIPAA compliant system, my company records ALL telephone and virtual calls pertaining to Medicare business.
- ☐ My organization notifies beneficiaries, orally when speaking with them on the phone, in writing when writing to them by mail or another paper medium, and electronically when speaking with them via email, online chat, or another electronic messaging platform, that their information will be shared with a licensed insurance agent for future contact.
- ☐ My organization uses the TPMO Disclaimer, "We do not offer every plan available in your area. Any information we provide is limited to those plans we do offer in your area. Please contact Medicare.gov or 1-800-MEDICARE to get information on all of your options;" Verbally within the first minute of a sales call, electronically when communicating with a beneficiary through email, Online chat, or other electronic means of communication, prominently on the organization's TPMO website, and all marketing materials, including print materials and TV ads.
- ☐ Reports any staff disciplinary actions or violations of any rules that relate to the MA plan on a monthly basis to plans. Related to beneficiary engagement with the plan

**5. Record Retention**

- ☐ My organization is obligated by federal law to maintain all documents pertaining to the management or delivery of Medicare Advantage benefits for a minimum of ten (10) years. These records may include—but are not limited to—a list of the employees who require training, the training's subject, attendance, completion certificates, recognition of receipt of the Code of Conduct, the outcomes of exclusion screenings, and recordings of phone calls made in person or online. Upon request, these records will be sent to Pinnacle or the MAO(s)/Part D Sponsor(s) that my organization is authorized to act on behalf of under Pinnacle.

**6. Offshore Contracting**

- ☐ My company uses offshore vendors or contractors to support Medicare Advantage business, and I have told Pinnacle or the MAO(s) or Part D Sponsor(s) that Pinnacle represents about this.
- ☐ My company does not support Medicare Advantage business by using foreign suppliers or contractors.

**7. Privacy, Information Security, and Breach Notification Regulations**

- ☐ My organization is aware of its responsibility to notify Pinnacle in the event of a privacy or data security issue, and it has procedures in place to protect against the misuse of protected health information (PHI) that is collected and maintained as a downstream entity under the Pinnacle sales hierarchy. Upon request, Pinnacle will also receive supporting documentation from my organization.

## 8. Downstream oversight

- ☐ In order to assure compliance with items 1 through 7 above, my organization has and will continue to monitor downstream contractors, if relevant, and will provide supporting documentation to Pinnacle upon request.
- ☐ No downstream contractors are used by my company to support the Medicare Advantage operation

## Attestation

**As an authorized representative of my organization, I attest to the following:**

- I. The representations made here in above are a true, accurate, and complete representation of my organization's compliance during the 2022 and 2023 plan years;
- II. I represent and warrant that my organization will be in compliance for the 2024 plan year; and
- III. My organization will obtain attestations with similar representations from other entities with which we have contracted to provide Medicare Advantage and/or Part D services on behalf of my organization under

\_\_\_\_\_  
**Organization**

\_\_\_\_\_  
**Contact Phone Number**

\_\_\_\_\_  
**Name of Authorized Representative**

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Email**

\_\_\_\_\_  
**Date**

**\*\*Please return completed form in its entirety to Pinnacle via email at [Compliance@pfsinsurance.com](mailto:Compliance@pfsinsurance.com)\*\***