

119TH CONGRESS
1ST SESSION

S. _____

To require the Secretary of Health and Human Services to carry out certain activities relating to the regulation of independent agents and brokers and third-party marketing organizations under parts C and D of the Medicare program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. ROUNDS introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To require the Secretary of Health and Human Services to carry out certain activities relating to the regulation of independent agents and brokers and third-party marketing organizations under parts C and D of the Medicare program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Independent Broker
5 Relief and Oversight of Knowingly Egregious and Repet-
6 itive Sales Tactics In Medicare Enrollment Act of 2025”
7 or the “Independent BROKERS TIME Act of 2025”.

1 **SEC. 2. REQUIRED RULEMAKING PROCEEDINGS.**

2 (a) UPDATING THE DEFINITION OF A THIRD-PARTY
3 MARKETING ORGANIZATION (TPMO) UNDER PARTS C
4 AND D OF THE MEDICARE PROGRAM.—

5 (1) DEFINITION.—

6 (A) IN GENERAL.—The Secretary of
7 Health and Human Services (in this section re-
8 ferred to as the “Secretary”) shall conduct a
9 rulemaking proceeding with respect to the defi-
10 nition of third-party marketing organization
11 to—

12 (i) address how to distinguish between
13 a third-party marketing organization and
14 an independent agent or broker for pur-
15 poses of applying regulatory requirements
16 under sections 422.2274(g)(2)(ii) and
17 423.2274(g)(2)(ii) of title 42, Code of Fed-
18 eral Regulations (or any successor regula-
19 tion); and

20 (ii) determine the factors that should
21 be taken into consideration when regu-
22 lating various agent and broker entities.

23 (B) REQUIREMENTS.—

24 (i) THIRD-PARTY MARKETING ORGANI-
25 ZATIONS.—In carrying out subparagraph
26 (A), the Secretary shall—

1 (I) take into account whether
2 third-party marketing organizations
3 include call centers that are not phys-
4 ically located in the continental
5 United States, publicly traded mar-
6 keting companies, private equity fi-
7 nanced marketing companies, and
8 companies that generate the majority
9 of their revenue by generating leads;
10 and

11 (II) ensure that the lead genera-
12 tion aspects of third-party marketing
13 organizations are held to licensed in-
14 surance agent compliance standards.

15 (ii) INDEPENDENT AGENTS AND BRO-
16 KERS.—In carrying out subparagraph (A),
17 the Secretary shall take into account that
18 independent agents and brokers include in-
19 dividuals who enroll and service clients, in-
20 surance agencies that represent multiple
21 carriers, public agencies, and privately held
22 agencies that in effect are variable cost
23 sales offices for the carriers.

24 (b) OVERSIGHT OF PREDATORY CALL CENTERS.—
25 The Secretary shall conduct a rulemaking proceeding to

1 amend section 420.405 of title 42, Code of Federal Regu-
2 lations (or any successor regulation), to provide for a mon-
3 etary reward to individuals who submit information on call
4 centers engaging in, or that have engaged in, marketing
5 scams related to the Medicare program.

6 (c) STANDARDIZED REGISTRATION PROCESS FOR
7 INDEPENDENT AGENTS AND BROKERS.—The Secretary
8 shall conduct a rulemaking proceeding to—

9 (1) require that PDP sponsors under part D of
10 the Medicare program and MA organizations under
11 part C of such program provide a standardized reg-
12 istration process for independent agents and bro-
13 kers;

14 (2) ensure that such standardized registration
15 process includes a transparent mechanism to distin-
16 guish independent agents and brokers from third-
17 party marketing organizations; and

18 (3) reduce regulatory burdens facing inde-
19 pendent agents and brokers with respect to existing
20 customers versus new business.

21 (d) APPLICATION.—

22 (1) PROCEDURES.—In conducting the rule-
23 making proceeding under each of subsections (a),
24 (b), and (c), the Secretary shall—

1 (A) publish a notice in the Federal Reg-
2 ister;

3 (B) establish a comment period to allow in-
4 terested persons to submit written data, views,
5 and arguments for at least a 90-day period be-
6 ginning on the date on which the notice is pub-
7 lished in the Federal Register; and

8 (C) make all such submissions publicly
9 available.

10 (2) TIMING.—The Secretary shall issue a final
11 rule to complete the rulemaking proceeding under
12 each of subsections (a), (b), and (c) not later than
13 1 year after the date of enactment of this section.

14 (3) REVIEW.—Any review of the rulemaking
15 proceeding under subsection (a), (b), or (c) that is
16 conducted by the Office of Information and Regu-
17 latory Affairs in accordance with Executive Order
18 12866 shall be limited to 60 days.

19 **SEC. 3. NULLIFICATION OF 48-HOUR WAITING PERIOD RE-**
20 **QUIREMENT FOR INDEPENDENT AGENTS**
21 **AND BROKERS.**

22 Section 1851(j)(2)(A) of the Social Security Act (42
23 U.S.C. 1395w-21(j)(2)(A)) is amended—

24 (1) by striking “APPOINTMENTS.—The scope
25 of” and inserting “APPOINTMENTS.—

1 “(i) IN GENERAL.—Subject to clause
2 (ii), the scope of”; and

3 (2) by adding at the end the following new
4 clause:

5 “(ii) NULLIFICATION OF 48-HOUR
6 WAITING PERIOD REQUIREMENT FOR INDE-
7 PENDENT AGENTS AND BROKERS.—The
8 Secretary shall not take any action to en-
9 force an extended waiting period (including
10 the 48-hour waiting period described in
11 sections 422.2264(c)(3)(i) and
12 423.2264(c)(3)(i) of title 42, Code of Fed-
13 eral Regulations (or any successor regula-
14 tion)) or require a specific period of time
15 to pass between a Scope of Appointment
16 agreement and an independent agent or
17 brokers meeting with a Medicare bene-
18 ficiary.”.

19 **SEC. 4. INSPECTOR GENERAL REVIEW AND REPORT ON**
20 **PREDATORY CALL CENTERS.**

21 (a) REVIEW.—The Inspector General of the Depart-
22 ment of Health and Human Services (in this section re-
23 ferred to as the “Inspector General”) shall conduct a re-
24 view of potentially fraudulent or misleading marketing

1 practices of predatory call centers that are related to the
2 Medicare program.

3 (b) REPORT.—Not later than 1 year after the date
4 of enactment of this section, the Inspector General shall
5 submit to Congress a report containing the results of the
6 review conducted under subsection (a), together with rec-
7 ommendations for such legislation and administrative ac-
8 tion as the Inspector General determines appropriate.