

**Nebraska Department of Insurance**  
**Guidance Document**  
**IGD - - B9**

Title: Sales of Medicare Advantage Plans by Insurance Consultants

Issue Date: March 18, 2026

Previously:

Notice: This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

The Nebraska Department of Insurance (Department), in response to the reduction or removal of commission to insurance producers by Medicare Advantage carriers, asked the Centers for Medicare and Medicaid Services (CMS) whether or not the use of consultants was allowable. Consultants, as opposed to insurance producers, charge a reasonable fee for their advice and placement of insurance business as opposed to obtaining a commission from a company. Previously, CMS had disallowed, pursuant to federal rules, the use of consultants in the sale of Medicare Advantage products.

The response received by the Department from CMS seemingly indicates that the use of consultants falls to what is allowed under state law. Therefore, the Department will not disallow the use of consultants in the sale of Medicare Advantage plans so long as the state consultant statutes are followed, the Medicare Advantage marketing and all other rules surrounding the sale of the product are followed and the fee imposed is reasonable.