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**BULLETIN NO. 2025-12**

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**TO:** All Health Insurance Companies, HMOs, and Other Interested Parties

**RE:** Unfair Trade Practices and Frauds

**FROM:** Glen Mulready, Insurance Commissioner

**DATE:** November 7, 2025

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*The purpose of this bulletin is to inform and clarify to all health insurers licensed in Oklahoma that offer any health insurance plans to Oklahomans, including Medicare Advantage and Medicare Supplement plans, of the Oklahoma Insurance Department's ("OID") perspective on unfair trade practices that could potentially lead to manipulation of the insurance market, withholding or denying access to products from Medicare-eligible consumers, and the applicability of Oklahoma Statute, 36 O.S. § 1209(A), to such practices.*

It has been brought to the OID's attention that some insurance carriers, including those offering Medicare Advantage plans, have possibly 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 OID views these practices as an unfair trade practice or method of competition under 36 O.S. § 1209(A), 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 Oklahoma insurance consumers, for carriers to restrict access or dissuade consumers from buying a product that was filed to market in Oklahoma and priced accordingly. To maintain fair competition in these markets, it is strongly encouraged that carriers:

- make available and easily accessible their applications for enrollment in all forms, including printed, 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;
- 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.”

All carriers and producers operating in Oklahoma that offer insurance products to people, including those 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 Oklahoma insurance market which would harm Oklahomans.

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.

The OID will closely monitor compliance and may take enforcement action under 36 O.S. § 1209(A) against any carrier engaging in practices that manipulate the market or harm consumers.

This Bulletin is not new law but is an agency interpretation of existing law, except as authorized by law or as incorporated into a contract.

Questions concerning this bulletin should be directed to the Oklahoma Insurance Department’s Legal Division at 405-521-2746 or to Assistant General Counsel, Tyler Trammell, by email at [Tyler.Trammell@oid.ok.gov](mailto:Tyler.Trammell@oid.ok.gov).