



STATE OF TENNESSEE
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GOVERNOR

JULIE MIX McPEAK
COMMISSIONER

BULLETIN 18-01

TO: All Licensed Insurance Producers

FROM: Julie Mix McPeak, Commissioner *Julie Mix McPeak*

RE: The use of the terms "Medicare," "Medicaid," "Social Security," or "TennCare" in advertising and business names

DATE: August 31, 2018

The purpose of this Bulletin is to provide guidance regarding the use of the terms "Medicare," "Medicaid," "Social Security," or "TennCare" in advertising and business names.

Section 1140 of the Social Security Act [42 U.S.C. 1320b-10] (a)(1) prohibits the use of the terms "Medicare," "Medicaid," or "Social Security" in connection with any item of advertising in any manner which the person knows or should know would convey, or could be interpreted as conveying, "the false impression that such item is approved, endorsed, or authorized by the Social Security Administration, the Centers for Medicare and Medicaid Services, or the Department of Health and Human Services or that such person has some connection with, or authorization from, the Social Security Administration, the Centers for Medicare and Medicaid Services, or the Department of Health and Human Services."

It is the Department's position that the use of the terms "Medicare," "Medicaid," "Social Security," or "TennCare" in a business name gives the false impression that the company is approved, endorsed, or authorized by the Social Security Administration or the Centers for Medicare and Medicaid Services, unless the use contains a clear and prominent disclaimer that the company is not authorized by, endorsed by, or affiliated with a governmental agency.

It is also the Department's position that the use of the terms "Medicare," "Medicaid," "Social Security," or "TennCare" in a business name, without a clear and prominent disclaimer that the company is not approved, endorsed, or authorized by a governmental agency, constitutes an unfair and deceptive trade practice under Tenn. Code Ann. § 56-8-104.

Any questions about the intent of this Bulletin should be directed to the Insurance Division's Director of Insurance, 7th Floor, Davy Crockett Tower, 500 James Robertson Parkway, Nashville, Tennessee, 37243, and/or (615) 741-3450.