

Connecticut Health Insurance Exchange dba Access Health CT (AHCT) Compliance and Disciplinary Policy for Certified Independent Brokers

This document explains AHCT's policy regarding complaints and disciplinary actions involving AHCT Certified Independent Brokers. A "Certified Independent Broker" (also referred to in this policy as a "Certified Broker") is any broker who has been certified by AHCT to assist consumers or employers in securing health care plans offered through the AHCT individual or small business marketplaces. Certified Brokers must act ethically, honestly and lawfully and comply with all AHCT policies and procedures. Failure to do so may result in disciplinary action as outlined in this policy.

Disciplinary Guidelines and Policy

1. **Purpose of Disciplinary Policy.** The purpose of this policy is to protect the public and to ensure that Certified Brokers are held to a uniform set of standards. Whenever possible, AHCT aims to correct inappropriate behavior but in certain circumstances, sanctions, including permanent decertification, may be appropriate.

2. **Unacceptable Broker Conduct.** As noted above, Certified Brokers shall act ethically, honestly and lawfully at all times. Examples of broker conduct that is unacceptable include, but are not limited to:

- Violating federal or state law including, but not limited to, the Affordable Care Act (ACA), the Health Insurance Portability and Accountability Act (HIPAA), the Employee Retirement Income Security Act (ERISA) and any related regulations, policies or procedures
- Unauthorized access, disclosure or use of confidential information or personally identifiable information (PII) including, but not limited to, names, addresses, telephone numbers, email addresses, dates of birth and social security numbers
- Misrepresenting plan/coverage or enrollment information, or information related to AHCT's application process, to consumers or others
- Using forceful or coercive tactics to make a sale
- Discourteous, unethical or unprofessional conduct while presenting plans offered through AHCT, including, but not limited to, using foul or offensive language, threats, or intimidation through verbal or physical behavior
- Committing a fraudulent act or breach of trust or privacy
- Using customer or other information obtained through AHCT's professional portal (or any other AHCT portal) to make unsolicited sales contacts

- Soliciting consumers through AHCT's social media platform (including Facebook, Twitter, Instagram, etc.) or providing inaccurate or misleading information to consumers through AHCT's social medial platform
- Use of AHCT service marks or logos in an manner that does not comply with AHCT policies
- Failure to successfully complete all training mandated by AHCT, to maintain all requirements for AHCT certification or to follow AHCT policies, procedures or guidance
- Failure to maintain a Connecticut producer license and appointments with all carriers offering plans on AHCT marketplaces or be in good standing with the State of Connecticut Insurance Department (CID)
- Failure to cooperate with any AHCT investigative process
- Charging or accepting a fee from a client in violation of the ACA

Alleged broker misconduct may be identified by AHCT itself or through complaints raised by consumers, brokers or others.

3. Disciplinary Action. AHCT may impose such disciplinary action as it deems appropriate in each circumstance including, without limitation, any of the following:

- Written Warning – AHCT may issue a written warning to the Certified Broker, a copy of which will be retained in AHCT's files.
- Corrective Action Plan – AHCT may issue a written corrective action plan requiring the Certified Broker to take specific steps to correct his/her misconduct. Retraining may be required. The Certified Broker will be required to report back to AHCT within a specified time with proof of completion of the steps set forth in the plan.
- Suspension – Depending upon the offense, the Certified Broker's account may be placed in inactive status immediately (or on short notice) pending a meeting with AHCT personnel. This means that the broker may not sell or market AHCT marketplace plans during the suspension period.
- Decertification – In cases of serious misconduct or multiple instances of unacceptable broker conduct, permanent decertification may result.

AHCT shall impose the disciplinary action that it deems appropriate to the circumstances. The foregoing alternatives need not be used in progression. In cases of serious misconduct or multiple instances of broker misconduct, AHCT may proceed immediately to any action it deems appropriate. In addition, AHCT will report broker misconduct to the Connecticut Insurance Department and/or other regulatory agencies as it deems necessary or appropriate.

4. Factors. In evaluating the appropriate disciplinary action, AHCT may take into account such factors as:

- a) the nature and circumstances of the conduct including, but not limited to:
 - 1) The number of instances of misconduct;
 - 2) The severity of the misconduct;
 - 3) The broker's history with AHCT, including any prior misconduct that would indicate whether the misconduct is an isolated occurrence or represents a pattern of behavior;
 - 4) The length of time of the misconduct;
 - 5) The number of individuals affected or potentially affected;
 - 6) The extent to which the broker received compensation or other consideration associated with the misconduct; and
- b) the nature of the harm resulting from, or reasonably expected to result from, the misconduct including, but not limited to:
 - 1) Whether the misconduct resulted in actual or potential financial harm;
 - 2) Whether there was actual or potential harm to an individual's reputation;
 - 3) Whether the misconduct hindered or could have hindered an individual's ability to obtain health insurance coverage;
 - 4) The actual or potential impact of the provision of false information or of the improper use or disclosure of information; and
 - 5) Whether any person received a more favorable eligibility determination for enrollment in a qualified health plan or insurance affordability program, such as greater advance payment of the premium tax credits or cost-sharing reductions than he or she would be eligible for if the correct information had been provided.

These factors are not intended to be exclusive and AHCT may consider any additional factors that are relevant to the particular situation.

5. Procedure for Disciplinary Action. Instances of possible broker misconduct will be investigated by AHCT and AHCT may take appropriate action as detailed above.

If the misconduct is sufficiently serious to result in possible suspension or termination of the broker's AHCT certification, AHCT will notify the broker of the allegations in writing and inform the broker that:

- a) The broker has the opportunity to respond within 10 calendar days (unless the issue is of such seriousness that AHCT deems that a shorter period is necessary, in which case AHCT will notify the broker of the shorter period).
- b) In addition to responding in writing, the broker may in his/her response request a meeting with AHCT, or AHCT may require the broker to attend a meeting, to discuss the alleged misconduct. In any such case, the meeting will be held at AHCT's offices or such other place as AHCT shall specify on a date and at a time specified by AHCT.
- c) Unless AHCT finds that additional information/evidence is necessary, in which case it shall so inform the broker, AHCT shall inform the broker in writing of its decision and any resulting disciplinary action within a reasonable period of time (generally, within 30 calendar days) after the receipt of the broker's written response or the conclusion of the meeting, as the case may be.
- d) The broker will be informed of AHCT's decision in writing and the broker may request AHCT to reconsider its decision in accordance with the Reconsideration Process described below.

In cases where AHCT deems suspension to be necessary, a temporary suspension may be imposed prior to completion of the notice and response period outlined above.

6. Reconsideration Process. Requests for reconsideration must be postmarked within 10 calendar days after receipt of AHCT's written decision and should be mailed to:

Access Health CT
280 Trumbull Street
Hartford, CT 06103
Attention: Director of Legal Affairs and Policy

In any request for reconsideration, the Certified Broker must state the reasons for the requested reconsideration and provide any support for his/her position.

AHCT will provide written notice of its reconsideration decision within 30 calendar days of the date it receives the request for reconsideration. This decision will constitute AHCT's final determination.

7. Actions Required Upon Suspension/Decertification. If a broker's certification is suspended or terminated, the broker may be required to promptly notify, in writing, applicants, employers and others with whom the broker has been corresponding regarding enrollment in healthcare coverage through AHCT of the broker's suspension or termination and provide such individuals with information about alternatives for obtaining assistance, as may be required by AHCT. In appropriate circumstances, AHCT reserves the right to provide such information directly to these individuals and the broker must cooperate in that process.

8. AHCT's Reservation of Rights. AHCT reserves the right to impose any and all disciplinary action as it deems necessary and appropriate and/or to alter or adjust disciplinary action if circumstances warrant.

9. Notice of Monitoring. AHCT regularly monitors and tracks broker activity through AHCT's professional portal. Any use of the professional portal that does not comply with this or other AHCT policies may subject a broker to disciplinary action. AHCT will take all steps that it deems appropriate to enforce this policy and protect its customers.

If you have inquiries regarding this policy, or to report a possible violation, please contact _____, at 860-757-____ or _____@ct.gov.