



# Silver State Health Insurance Exchange

2310 South Carson Street, Suite 2

Carson City, NV 89701

T: 775-687-9939

F: 775-687-9932

[www.nevadahealthlink.com/sshix](http://www.nevadahealthlink.com/sshix)

## **BROKER/AGENT CODE OF CONDUCT**

Under the Affordable Care Act (ACA), state-based health insurance exchanges must actively monitor and regulate marketing practices and step in to promptly stop any misleading or deceptive marketing; ensure that incentives that Brokers/Agents receive are appropriate to guide consumers to good enrollment choices; and ensure that consumers who use Brokers/Agents will also be informed about how to contact their state's exchange and get further information from the exchange's website.

The Silver State Health Insurance Exchange (Exchange) incorporates values of honesty, integrity, fairness, impartiality, and transparency on the foundation of which the Exchange's Brokers/Agents Code of Conduct was formed. All Brokers/Agents must respect and obey all federal, state laws and regulations. *45 CFR 155.220*

The Exchange has zero tolerance for noncompliant marketing behavior, such as misrepresentation or misuse of Exchange imagery that would reasonably cause a consumer to misinterpret the Broker/Agent relationship to the Exchange. Over and above compliance, the Exchange's Brokers/Agents are expected to act with the highest ethical standards in all of their business dealings and always act in the best interest of consumers.

All Brokers/Agents representing the Exchange and its insurance carrier partners are required to abide by this Brokers/Agents Code of Conduct. Those who violate standards in this Code will be subject to compliance action, up to and including termination. All Brokers/Agents are required to cooperate with the Silver State Health Insurance Exchange in compliance inquiries and actions as well as maintain adequate communication with Exchange staff, including accessibility and appropriate response to non-compliance related communication from Exchange staff and representatives.

### **HONESTY, INTEGRITY AND TRUSTWORTHINESS**

Brokers/Agents must be persons of high integrity. Without honesty and integrity, there is no foundation of trust. Unequivocal honesty is what leads to creating the trust of a consumer. Consumers must never be provided with information that is false or misleading. Brokers/Agents must not engage in misrepresentation to consumers, via marketing materials, or to Exchange staff or representatives. Fraud and/or deceit cannot be tolerated; either act should lead to immediate termination by the Exchange.

### **COMPETITION AND FAIR DEALING**

The Exchange expects Brokers/Agents to perform fairly, honestly, and without engaging in unethical or illegal business practices. Brokers/Agents must endeavor to respect the rights of and deal fairly with the consumers and carrier partners and may not take unfair advantage of anyone through manipulation, concealment, abuse of privileged information, misrepresentation of material facts, or any other intentional unfair-dealing practice.

### **ANTI-DISCRIMINATION**

The Exchange is firmly committed to providing equal opportunity in all aspects of its business practices and will not tolerate illegal discrimination or harassment of any kind. In dealings with consumers, the general public, Exchange staff/representatives, and other stakeholders, Brokers/Agents must always be mindful to act in accordance with the highest standards of professionalism and ethics, and avoid conduct that could be construed as discrimination, harassment, or prejudice.

### **NON-DISPARAGEMENT**

Brokers/Agents may not disparage the Exchange, Exchange staff/representatives/call center staff, Exchange carriers, partners, competitors or their products or plans. Nor shall Brokers/Agents make unsubstantiated comparisons or seek to influence the cancellation of any contract that may exist between competitors and consumers.

### **USE OF APPROVED MARKETING MATERIALS**

Certified Nevada Health Link Brokers/Agents must have prior approval of their marketing materials and website representation by the Exchange and follow the Exchange's co-branding standards. The Exchange may determine marketing materials to be inappropriate, confusing, or misleading if said materials utilize Exchange logos, references, or branding standards in a non-authorized manner.

### **IDENTIFICATION**

Brokers/Agents will clearly identify themselves as such and their relationship to the Exchange, disclose they are a licensed insurance agent, and never imply in any manner that they are an employee of any carrier, health plan, the Exchange or the U.S. Government.

### **RIGHTS OF CONSUMERS**

Brokers/Agents will conduct themselves with courtesy, dignity, and respect for the rights and reasonable requests of consumers and potential consumers always.

### **BEST INTERESTS OF THE CONSUMER**

The business of health insurance is declared to be a public trust in which all Brokers/Agents of all companies have a common obligation to work together in serving the best interests of the insuring public. Consistent with that, Brokers/Agents must understand and observe the laws governing insurance in spirit by presenting accurately and completely every fact essential to a consumer's decision, and by always placing the consumer's best interests first. Broker/Agents are expected to act in the best interest of Nevada Health Link consumers, even when not acting in the consumer's best interest would be permissible by state or federal law. The best interest of the consumer includes but is not limited to assisting consumers to enroll in the most appropriate coverage for their medical needs, optimizing consumer savings and affordability, providing the most transparent and relevant information, and providing meaningful consumer choice, while diligently working to inform consumers of reconciliation liability and avoiding reconciliation burden.

### **CHARGING FEES FOR SERVICES**

Brokers/Agents understand and agree that if they decide to charge a fee pursuant to NRS 686A.230 and NAC 686A.330 related to the enrollment and/or maintenance after enrollment of a consumer in a qualified health plan or qualified dental plan sold through the Exchange, the Broker/Agent will communicate that fee to the Exchange and it will be noted on the broker's listing that they charge a fee. Brokers that charge a fee can create an account in the Nevada Health Link (NVHL) state-based exchange platform and will be able to manage their book of business, but those that charge a fee will **NOT** be listed on NVHL's online or telephonic agent referral directories.

Additionally, if a broker is found to be charging a fee and did not disclose to the Exchange that the broker is charging a fee, or if a broker who charges a fee takes steps to be listed in NVHL's referral directories knowing that it is the policy of NVHL to not list brokers charging a fee, then NVHL reserves the right to remove them from the website and report them to the Division of Insurance, as appropriate.

### **DECEPTIVE ACTIVITIES**

Brokers/Agents will not engage in activities that could mislead or confuse consumers or potential consumers, or misrepresent the Exchange, its carrier partners or their products or plans. Deceptions via omission of information should also be avoided. Deceptive activities include but are not limited to, misrepresentation of a Broker/Agent relationship to the Exchange or carriers, underselling Exchange plans to consumers in order to enroll consumers in off-Exchange plans or non-health insurance policies, entering or encouraging inaccurate data to be entered into an application or enrollment, entering grossly over-estimated or grossly under-estimated income that cannot be reasonably accidental, and misrepresenting coverage provided by or costs associated with Exchange plans.

### **UNLAWFUL INDUCEMENTS**

Inducements are a violation of law and are unethical. Except as otherwise expressly provided by law, Brokers/Agents will not knowingly make or offer any agreement pertaining to any insurance contract other than as plainly provided in the contract itself. Except as expressly provided by law, Brokers/Agents will not give or provide anything of value to a consumer, directly or indirectly, as an inducement to any insurance transaction. In addition to tangible items having value, inducements include special favors and offers to pay or rebate any portion of premiums or charges, or to share commissions or bonuses.

### **MISREPRESENTATION**

Misrepresentations are a violation of law and are unethical. Brokers/Agents will not make any statement concerning any insurance product or plan that is untrue, deceptive or misleading. Brokers/Agents will not make false or misleading statements as to the financial condition of any carrier, or use any name or title of any insurance product or class of products misrepresenting the true nature thereof. Nor will Brokers/Agents permit any non-certified and/or unlicensed individuals to conduct Exchange business on their behalf.

### **DUTY TO VERIFY CLIENT INFORMATION AND INTENT**

Brokers/Agents will ensure that all information on any application is completely filled in by the consumer or the consumer's authorized representative, at the direction of the consumer and/or the consumer's authorized representative, and in the presence of the consumer and/or the consumer's authorized representative. Brokers/Agents will never sign any application on behalf of any consumer, unless directed by the consumer and within the technical permissions of enrollment platform. Brokers/Agents will verify that all information on the application is correct and confirm the consumer's intent to make application for that product or plan. Brokers/Agents must never submit application information which they know to be reasonably inaccurate, except for reasonable flexibility of estimation errors for future projects. Duty to verify also includes verification of all consumer enrollment choices, such as plan selection and enrollment grouping options, which must always be a the choice of the consumer.

### **DUTY TO ENSURE SUITABILITY OF PRODUCT RECOMMENDATION**

In recommending any product to a consumer, Brokers/Agents will first make reasonable efforts to obtain information concerning the consumer's health status to evaluate the suitability of the recommendation. Before initiating the purchase or exchange of a health insurance product resulting from a recommendation to a consumer, regardless of whether the transaction will involve replacement or exchange of any other product or plan, you will objectively consider all information provided by the consumer to ensure that the transaction is suitable.

### **HIGH PRESSURE SALES TACTICS**

Brokers/Agents will not use any form of scare tactic, coercion, deception, sympathy appeal, false sense of urgency or other high-pressure tactic to cause a consumer or potential consumer to enter into any transaction. Brokers/Agents will always give clear and accurate information regarding their relationship with the Exchange and its carrier partners, and avoid the use of false, contextually misleading, or exaggerated statements.

### **PRODUCT/PLAN REVIEW**

During every health plan review, Brokers/Agents will take steps to fully explain all benefits and exceptions as it pertains to each carrier. This includes plan costs to the consumer, such as monthly premiums, consumer out of pocket costs, and any reduction in costs due to subsidies.

### **PROMPT CONSIDERATION OF CONSUMER COMPLAINTS**

It is inevitable that Brokers/Agents will sometimes commit mistakes or make initial decisions on claims which are not the right ones. These situations will generate consumer complaints. The important consideration is that when a complaint is received, the Broker/Agent treats it seriously, responds to the complaint with promptness and courtesy, and advises the consumer of his/her options when he/she is not satisfied with the response to his/her complaint. Brokers/Agents must cooperate with any and all requests from Nevada Health Link related to consumer complaints and must be directly reachable by Exchange staff and responsive to Exchange communication and requests.

### **RESPECT FOR CONFIDENTIALITY**

In dealings with consumers and other insurance professionals, Brokers/Agents will learn information about policyholders and other interested parties that is sensitive. Such information must be protected

at all time. It must be kept strictly confidential and not passed on to other parties without advance notice to the consumer or other individuals concerned. It is the responsibility of Brokers/Agents to safeguard the personal information of all consumers as well as access to the Exchange platform. The sharing of NVHL login information and system access is strictly forbidden.

### **PROFESSIONAL CONDUCT**

Brokers/Agents must be able to demonstrate that they have taken proactive steps to maintain their professional knowledge at levels that would equal currently recognized “best practice” standards, including, but not limited to, Exchange certification and training. Brokers/Agents must always conduct themselves in a professional manner and maintain professional communication standards when communicating with consumers. Brokers/Agents must also maintain professional dress, grooming, presentation, and a professional setting, when conducting face-to-face and video conference interactions with NVHL consumers.

### **CERTIFICATION AND TERMINATION**

The Exchange may terminate Brokers/Agents for cause based on a single specific finding of noncompliance or a sufficiently severe pattern of noncompliance with regard to a federal law, state law, applicable regulations, or the Broker/Agent Code of Conduct. In instances of termination for cause, the Exchange will issue a notice to the Broker/Agent identifying a specific finding or a pattern of noncompliance and indicating that, if the matter is not resolved to the satisfaction of the Exchange within 30 days of the date of the notice, the Exchange may terminate the Broker/Agent agreement and the Broker/Agent’s ability to enroll consumers on the marketplace. Any Broker/Agent termination will bar said Broker/Agent from certification with Nevada Health Link for a minimum of six months. The Exchange may also refuse to re-certify or renew certification for any Broker/Agent with a pattern of violations of the code of conduct, a single egregious violation, causing consumer loss of coverage or financial hardship such as gross reconciliation payback due to negligence, or due to non-cooperation such as adequate response and communication with Exchange staff or response to complaint or compliance matters.

### **APPEAL OF TERMINATION**

Brokers/Agents may request reconsideration of termination for cause within 30 calendar days of the date of the written termination notice from the Exchange. The Exchange will respond within 30 days of receiving the request for reconsideration, and this response will constitute a final determination. The Exchange retains the right to bypass the termination process described above and terminate a Broker/Agent immediately when noncompliance is sufficiently egregious, as determined by the Exchange.

\*\*\*\*\*

I have read and understand the **Exchange’s Brokers/Agents Code of Conduct**. I understand that, should I be found in violation of any of the provisions of this Code during my association with the Exchange, my contact and appointment are subject to termination.

---

Broker/Agent

Date