



## Maryland Health Connection Statement of Producer Attestations

In order to be an authorized producer with Maryland Health Connection, the producer must attest to the following:

1. Producer attests that s/he is licensed by the Maryland Insurance Commissioner as an insurance producer authorized to sell health insurance.
2. Producer attests that s/he will complete and comply with all current and future training requirements established by the Maryland Health Benefit Exchange (MHBE).
3. Producer attests that when quoting or enrolling individuals or small groups through Maryland Health Connection s/he will inform the individual or small group of all the plan options available to them on Maryland Health Connection. **Note – this attestation only applies to non-captive producers and is not applicable to captive producers.**
4. Producer attests that s/he will not receive other compensation for procuring insurance by any individual, small employer or entity other than the applicable carrier regarding the enrollment of individuals and small employers through Maryland Health Connection.
5. Producer attests that s/he will respond directly and within 24 business hours to any request, whether written or verbal, for information relating to a consumer complaint submitted by an individual or small employer enrolled by the producer through Maryland Health Connection, or to any request related to the breach of MHC consumer Personally Identifiable Information committed by the producer, or to any request related to information sought for purposes of an audit.
6. Producer attests that s/he will agree to collaborate with any Navigator certified or licensed to enroll individuals and/or small employers through Maryland Health Connection, if applicable.
7. Producer attests that s/he has not and will not:
  - i. Willfully violate any applicable provision of the Insurance Article of the Maryland Code, or any regulation adopted thereunder;
  - ii. Intentionally misrepresent or conceal a material fact in his/her application for licensure;
  - iii. Obtain his/her license by misrepresentation, concealment, or other fraud;
  - iv. Engage in fraudulent or dishonest practices in conducting activities under his/her license;
  - v. Misappropriate, convert, or unlawfully withhold money in conducting activities under his/her license;
  - vi. Fail or refuse to pay over, on demand, money that belongs to a person entitled to the money;
  - vii. Willfully and materially misrepresent the provisions of a qualified plan;
  - viii. Be convicted of a felony, a crime of moral turpitude, or any criminal offense involving dishonesty or breach of trust;
  - ix. Misrepresent that s/he passed any examination required for his/her license or performance of services as a Producer;



- x. Forge another's name on an application for a qualified plan or on any other document in conducting activities under his/her license;
  - xi. Show a lack of trustworthiness or competence to act as Producer; and
  - xii. Willfully fail to comply with or violate a proper order or subpoena of the Commissioner.
8. Producer attests that s/he will use sufficient security procedures to ensure that all data available is authorized and protected from improper access and will ensure that the operations environment is restricted to only authorized users.
9. Producer attests that s/he acknowledges that breach of this document constitutes misconduct under Md. Ann. Code, Insur. § 31-113 (l) and may be grounds for suspension or revocation under Md. Ann. Code, Insur. § 31-113 (m).

**Captive Producers Only:**

10. Producer attests that s/he will comply with Md. Ann. Code, Insur. § 31-113 (p)(1) and (2) (as amended, Ch. 159, Laws of Md. 2013) regarding whom a producer may enroll in a qualified plan offered in the Individual Exchange, and required disclosures, marketing practices, recordkeeping and provision of information regarding other carriers' plans available through the Maryland Health Connection.
11. Producer attests that s/he:
- i. May only enroll only the following individuals in a qualified health plan offered on the Individual Exchange by the Producer's carrier: (i) an individual who is currently enrolled in one of the nongroup plans offered by the Producer's carrier and who does not have an insurance producer of record in connection with the carrier's nongroup plan or (ii) an individual who initiates contact with the Producer or the Producer's carrier for the purpose of requesting assistance or inquiring about the carrier's plans and does not acknowledge having an insurance producer in connection with any existing insurance coverage.
  - ii. If an individual has an insurance producer, shall refer the individual back to the individual's insurance producer (together with any available contact information), unless:
    - a. The individual is eligible for, but has not obtained federal premium subsidy or cost sharing assistance, and the individual's insurance producer is not authorized to sell qualified plans in the Individual Exchange; or
    - b. The individual would prefer not to seek further assistance from the individual's insurance producer.
  - iii. Shall disclose that there may be an insurance producer of record in connection with an existing policy if the Producer is not aware of an insurance producer of record;
  - iv. Shall comply with the fair marketing standards developed jointly by the Exchange and the Commissioner;



- v. May not employ marketing practices or offer information and assistance only to certain enrollees in a manner that will have the effect of enrolling a disproportionate number of the Producer's carrier's enrollees with significant health needs in qualified health plans offered in the Individual Exchange;
- vi. Shall act in the best interest of the individual to whom the Producer is providing assistance;
- vii. May not provide any information or services related to health benefit plans or other products not offered by the Producer's carrier and shall refer any inquiries about such plans or products to any resources maintained by the Exchange or a licensed independent insurance producer;
- viii. Shall disclose that the Producer is employed by the carrier and able to provide information and sell only qualified plans offered by the carrier;
- ix. Shall disclose that the Individual Exchange offers other qualified plans sold by other carriers, which may meet the individual's needs;
- x. On an individual's request, shall refer the individual for further assistance to an independent insurance broker, the appropriate Individual Exchange Connector Entity, or the Consolidated Services Center;
- xi. On an individual's request, shall provide through mail or electronic communication written information about the Individual Exchange, the Connector Program, and the Consolidated Services Center;

12. Shall document the disclosures set forth in (viii) and (ix) and that the individual receiving such disclosures understands them, does not want to be referred, and wants to receive information and assistance from the Producer. Such documentation shall be (i) retained for at least 3 years; (ii) subject to the Commissioner's review during a market conduct examination; and (iii) provided to the Exchange on a quarterly basis.

13. Producer attests that s/he has a current and exclusive appointment with a single carrier and receives compensation only from that carrier.

14. Producer attests that s/he acknowledges that breach of this document constitutes misconduct under Md. Ann. Code, Insur. § 31-113 (l) and may be grounds for suspension or revocation under Md. Ann. Code, Insur. § 31-113 (m).

By checking this box, I hereby attest to the above statements and agree to comply with the policies, procedures and rules established by the Maryland Health Connection.

Print Name \_\_\_\_\_ (NPN) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_