

Final Consumer Assistance Regulatory Updates

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Background

- MHBE proposed new regulations related to producer authorization to relieve burden on MHBE staff and improve consumer experience
 - 1. Require producers to pass an exam to be eligible for authorization**
 - Producers are the only assistance workers not currently required to pass an exam to be authorized
 - 2. Allow MHBE discretion to refuse to reauthorize producers with a record of misconduct**
- Proposal package also includes codification of existing consumer assistance policy
- MHBE consulted the MIA and Broker Advisory Committee during drafting
- No comments received during the preliminary stakeholder feedback period or during the public comment period after publication of the proposed action

Summary of Proposed Changes

Proposal	Action in COMAR
Require producers to pass exam to be authorized	Amend 14.35.04.02 and 14.35.04.04
Allow MHBE to deny a renewal application if the producer has had disciplinary action taken against them	Amend 14.35.05.02
Codify existing navigator examination requirements	Amend 14.35.02.04(D)
Codify existing certification requirements for application counselors	Amend 14.35.13.06
Codify termination of Captive Producer Program (discontinued in August 2024)	Repeal COMAR 14.35.08
Remove reference to captive producers	Amend 14.35.10.01(C)

Timeline



No comments were received during the public comment period June 13 - July 13.

Request for Approval of Final Regulations and Authorization to Submit for Publication

MOTION: I move to [approve/defer/reject] the final regulations as presented, and authorize MHBE to submit them to the Division of State Documents for publication in the Maryland Register [as presented/as amended].

Appendix



Codify Existing Navigator Training Requirements

14.35.02 Individual Exchange Navigator Certification and Training Standards

.04 Training Standards.

A.--C. (text unchanged)

D. Examination.

(1) The training shall include a final examination.

(2) The examination shall be multiple choice.

(3) The examination shall be scored and reported in accordance with a passing score established by the Exchange.

(4) Applicants must successfully pass the examination within 45 calendar days of completing the training described under §A of this regulation.

(5) Applicants are allowed three attempts to pass the examination in a 12-month period.

(6) If the applicant does not pass the examination on the third attempt, they must wait 12 months before they are eligible to train and test again.

E. Training Frequency. The Exchange shall conduct trainings:

(1) At least monthly during all months; and

(2) At least weekly for the 3 months immediately preceding the open enrollment period.

Require Producers to Pass Exam To Be Authorized

14.35.04 Insurance Producer Authorization to Sell Qualified Plans in the SHOP Exchange and Individual Exchange

.02 Eligibility Requirements

To be eligible to apply for initial insurance producer authorization, an applicant shall:

A. [be] Be licensed by the Maryland Insurance Commissioner as an insurance producer authorized to sell health insurance[.] and

B. Successfully complete and comply with any ongoing requirements of the training programs set forth under regulation .04 of this chapter.

.04 Training.

A. An applicant for the SHOP Exchange insurance producer authorization shall complete the Exchange-approved SHOP insurance producer authorization training.

B. An applicant for the Individual Exchange insurance producer authorization shall complete the Commissioner-approved Individual Exchange insurance producer authorization training.

C. The Exchange shall review, and as appropriate update, the content of the SHOP insurance producer authorization training program on a schedule established by the Exchange.

D. The Exchange, with the approval of the Commissioner, shall review, and as appropriate update, the content of the Individual Exchange insurance producer authorization training program at least every 2 years.

E. An applicant for Individual Exchange or SHOP insurance producer authorization shall meet the examination requirements specified under COMAR 14.35.02.04D.

Allow MHBE to Deny Producer Renewal Application

14.35.05 Insurance Producer Authorization—Renewal, Reinstatement, and Suspension or Revocation of Authorization

.02 Renewal.

A. (text unchanged)

B. Eligibility for Renewal. An insurance producer authorization may be renewed for an additional 2-year term if the holder:

(1) Is otherwise entitled to receive insurance producer authorization, in accordance with the eligibility requirements set forth in COMAR 14.35.04.02;

(2) Files a renewal application on the form provided by the Exchange before the expiration of the authorization;

(3) Pays to the Exchange a renewal fee if permitted by law and in the manner specified by the Exchange; **[and]**

(4) Completes the annual training requirements *set forth in COMAR 14.35.04.04[.], and*

(5) *Is not denied by the Exchange for reasons set forth under Section E of this regulation.*

C.--D. (text unchanged)

E. Denial.

(1) *The Exchange may deny a renewal application if the insurance producer has:*

(a) *Committed any act described in Md. Code Ann., Ins. § 31-113(l)(1); or*

(b) *Had any professional license or certification suspended or revoked for a fraudulent or dishonest practice.*

(2) *Denial of a renewal application is subject to the contested case hearing provisions of Title 10, Subtitle 2 of the State Government Article.*

Codify Application Counselor Requirements

14.35.13 Application Counselor Training and Certification Standards

.06 Training Requirements

In order to obtain application counselor certification, an individual shall:

A. Complete the training program under COMAR 14.35.02.04A; and

B. Pass the examination specified under COMAR 14.35.02.04D.] *meet the training and examination requirements specified under COMAR 14.35.02.04.*

Codify Termination of Captive Producer Program

Repeal Chapter: 14.35.08 Captive Producer Training and Authorization Standards

14.35.10 Appeals from Determinations Regarding Producer Authorization or Individual Exchange Navigator Certification

.01 Scope

A.--B. (text unchanged)

C. Determinations entitled to contested case appeals. This chapter applies only to the appeal of an Exchange determination regarding:

- (1) Suspension of SHOP Exchange producer authorization;
- (2) Revocation of SHOP Exchange producer authorization;
- (3) Renewal of SHOP Exchange producer authorization;
- (4) Suspension of Individual Exchange producer authorization;
- (5) Revocation of Individual Exchange producer authorization;
- (6) Renewal of Individual Exchange producer authorization; *and*
- [(7) Suspension of captive producer authorization;