



Connect for Health Assistance Network: Conflict of Interest Framework for Assistance Sites and Health Coverage Guides

It is COHBE's intent that the Connect for Health Assistance Network Program provides Exchange customers with impartial, high quality, community based education and information, and in-person assistance. In order to assure the delivery of high quality services, to minimize or eliminate the existence of conflicts of interest and ensure the integrity of the program COHBE will:

1. Monitor for potential conflicts of interest during the Assistance Site selection process and throughout the term of engagement with the Assistance Site.
2. Provide robust initial and ongoing training that includes instruction on providing impartial education and in person assistance with customer selection of a qualified health plan.
3. Require from Assistance Sites and Health Coverage Guides disclosures of affiliations that may present a direct or indirect conflict of interest.
4. Monitor Health Coverage Guide enrollment practices through use of reporting in COHBE's system.
5. Monitor Health Coverage Guide conduct through feedback tools on COHBE's website and through use of qualitative and quantitative evaluation tools like secret shopping.
6. Actively solicit customer satisfaction feedback on their experience working with Health Coverage Guides.
7. As circumstances command where a conflict of interest arises, require mitigation, revocation of certification, or termination of the grant.

1. Prohibition on conduct

- 1.1. As required by 45 CFR 155.210 (d) a **Navigator [Health Coverage Guide] or Navigator entity [Assistance Site]** must not:
 - 1.1.1. Be a health insurance issuer
 - 1.1.2. Be a subsidiary of a health insurance issuer
 - 1.1.3. Be an association that includes members of, or lobbies on behalf of, the insurance industry; or
 - 1.1.4. Receive any consideration directly or indirectly from any health insurance issuer in connection with the enrollment of any individuals or employees in a QHP [qualified health plan] or non-QHP [qualified health plan].¹
- 1.2. A Health Coverage Guide or Assistance Site must not:
 - 1.2.1. Be a provider entity (including, but not limited to, hospitals, clinics, and physician practices) that is directly owned by, a subsidiary of, or exclusively contracts with, a single insurer or its subsidiaries., except in cases where the provider can demonstrate that due to geography or other factors, there are significant limitations on available insurers with whom to contract.

¹ The comments in the final federal regulations state, "“consideration,” as used in § 155.210(d)(4) of the final rule, should be interpreted to both mean financial compensation—including monetary or in-kind of any type, including grants—as well as any other type of influence a health insurance issuer could use, including but not limited to things such as gifts and free travel, which may result in steering individuals to particular QHPs offered in the Exchange or plans outside of the Exchange.”” Patient Protection and Affordable Care Act; Establishment of Exchanges and Qualified Health Plans; Exchange Standards for Employers; Final Rule and Interim Final Rule,” Federal Register 77:59 (March 27, 2012) 18333. COHBE thus interprets the words “indirect consideration” to mean in-kind compensation and other types of influence as stated above. COHBE further interprets this provision to say that Health Coverage Guides and Assistance Sites cannot receive compensation (cash or in-kind) for enrollment.

2. Health Coverage Guide conflict of interest

- 2.1. A Health Coverage Guide shall not allow any philosophical, professional or personal financial or non-financial interests to influence or appear to influence the ability of the Health Coverage Guide to perform his/her duties impartially.
- 2.2. Health Coverage Guides shall attest that they are not a prohibited entity or employed by a prohibited entity as described in Paragraph 1.
- 2.3. Health Coverage Guides shall disclose to COHBE and to customers personal and professional financial and non-financial interests that may present a conflict of interest.
- 2.4. Health Coverage Guides shall not receive direct or indirect consideration from any health insurance issuer in connection with enrollment of individuals or employees.
- 2.5. Health Coverage Guides shall not charge for their services.
- 2.6. Health Coverage Guides shall provide to customers impartial information about all plans for which customers are eligible and shall not allow personal or professional interests to influence the customers' decisions. In an effort to maintain impartiality in providing assistance:
 - 2.6.1. Health Coverage Guides must not in any way solicit or persuade customers to enroll in any specific health insurance plan.
 - 2.6.2. Health Coverage Guides must not in any way solicit or persuade customers to switch from one health insurance issuer to another.
 - 2.6.3. Health Coverage Guides must not in any way persuade or compel customers to select a particular provider, but may assist a customer in locating or selecting a provider.
 - 2.6.4. Health Coverage Guides must not in any way solicit or persuade customers to engage a particular agent or broker, but may assist a customer in locating or selecting a broker.
- 2.7. Health Coverage Guides shall not use their role as a Health Coverage Guide for lead generation or profit.
- 2.8. Health Coverage Guides shall adhere to COHBE monitoring and evaluation requirements.

3. Assistance Network Site conflict of interest

- 3.1. An Assistance Site shall not allow any philosophical, financial or non-financial interests or affiliations to influence or appear to influence the ability of the Assistance Site to impartially deliver Health Coverage Guide services or assure that the Health Coverage Guides employed, contracted or otherwise supervised by the Assistance Site are able to impartially perform their duties as Health Coverage Guides.
- 3.2. Assistance Sites shall disclose to COHBE and to COHBE customers all philosophical, financial and non-financial interests or affiliations that may present a conflict of interest, including professional relationships between the entity and any health insurance issuer.
- 3.3. Assistance Sites shall not be any of the prohibited entities described in Paragraph 1.
 - 3.3.1. Assistance Sites shall disclose all relationships with prohibited entities as described in paragraph 1.
 - 3.3.2. Assistance Sites receiving any cash or in-kind compensation from health insurance issuers shall disclose the nature of the compensation, what the compensation is intended to support, and from whom it is received.
- 3.4. Assistance Sites shall not direct or permit Health Coverage Guides to solicit or persuade customers to enroll in any specific health insurance plan, switch from one carrier to another, or select a particular provider.
- 3.5. Assistance Sites shall not charge for Health Coverage Guide services or otherwise utilize the Assistance Program, or their association with the Assistance Program for lead generation or profit.
- 3.6. Assistance Sites shall not utilize interests or affiliations for purposes of soliciting or persuading customers to enroll in a specific health insurance plan, switch from one plan to another, or to select a particular provider.
- 3.7. Assistance Sites shall monitor Health Coverage Guides they employ, contract with or otherwise supervise for fair and impartial performance of Health Coverage Guide duties.

3.8. Assistance Sites shall adhere to COHBE monitoring and reporting requirements.