

## **The Commonwealth Health Insurance Connector Authority Brokerage Terms and Conditions Addendum for Non-Group Enrollments through the Health Connector**

These Non-Group Terms and Conditions (“Non-Group Addendum”) are an addendum to the Brokerage Terms and Conditions (also referred to as the “Agreement”) between the Commonwealth Health Insurance Connector Authority (“Health Connector”) and \_\_\_\_\_ (“Broker”).

1. The provisions of this Non-Group Addendum are in addition to the provisions of the Agreement, which shall also apply to the sale or renewal of Health Connector plans to Subsidy-Eligible Individuals (as that term is defined in Paragraph 2 of this Non-Group Addendum.). Broker must agree to and execute the Agreement, as well as this Non-Group Addendum, in order to be registered by the Health Connector for sales and renewals to Subsidy-Eligible Individuals. The provisions of the Agreement remain in full force and effect as written.
2. Subject to the terms of this Non-Group Addendum, Broker may solicit applications and assist individuals who are seeking financial assistance through the Health Connector (“Subsidy-Eligible Individuals”) in applying for and enrolling into Qualified Health and Dental Plans through the Health Connector (“Health Connector Plans”).
3. Broker must comply with the Agreement and Non-Group Addendum in order to receive a commission or fees from a health insurance carrier for the enrollment of Subsidy-Eligible Individuals into Health Connector Plans or the renewal thereof.
4. Broker shall at all times be licensed as a broker by the Massachusetts Division of Insurance. Further, Broker must comply with any other applicable laws of the Commonwealth of Massachusetts related to agents and brokers.
5. Broker will satisfactorily complete training provided by the Health Connector on the sale and renewal of Health Connector Plans to Subsidy-Eligibility Individuals, including the range of Health Connector Plan options and other insurance affordability programs available to individuals, which includes Medicaid/MassHealth programs, ConnectorCare plans, premium tax credits, and/or cost sharing subsidies as well as privacy and security training.
6. In addition to complying with the terms of Paragraph 13 of the Agreement, Broker certifies that it has read the Health Connector’s privacy and security standards and agrees to comply with those privacy and security standards.
7. Upon executing this Non-Group Addendum and completing the training referenced in Paragraph 5 thereof, Broker shall be registered by the Health Connector for the sale and renewal of Health Connector Plans to Subsidy-Eligible Individuals.

8. Broker agrees to inform all Subsidy-Eligible Individuals that Broker assists of all the programs that the individual may be eligible for, including Medicaid/MassHealth programs, ConnectorCare plans, premium tax credits, and/or cost sharing subsidies, regardless of whether Broker will receive a commission, fee or other compensation for the enrollment of an individual in such program. Before the Broker assists a Subsidy-Eligible Individual to apply and enroll in a Health Connector Plan, both the Broker and the individual must sign a Disclosure Form provided by the Health Connector (a copy of which is attached hereto as Exhibit A), which informs the individual that the individual is being assisted by a Broker, that Broker may receive compensation from an insurance carrier for enrolling the individual into a Health Connector Plan, and that Broker is required to inform the individual of all types of programs for which the individual may be eligible.
9. Nothing in the Agreement or the Non-Group Addendum shall obligate the Health Connector to pay commissions, fees or other compensation to Broker for enrollment or renewal of Subsidy-Eligible Individuals into Health Connector Plans. The payment of commissions, fees, or other compensation for enrollment or renewal of Subsidy-Eligible Individuals into Health Connector Plans shall be solely the responsibility of a carrier, as applicable, and the Health Connector shall have no liability to Broker arising from the payment or non-payment of such commission, fees or other compensation.
10. Broker may not receive or solicit any commission, fee or other compensation for the enrollment of a Subsidy-Eligible Individual in any form of Medicaid/MassHealth coverage. Broker may not assist a Subsidy-Eligible Individual who is determined eligible for Medicaid/MassHealth in enrolling into that coverage.
11. Broker shall not seek payment of any commission, fee, or other compensation of any kind from a Subsidy-Eligible Individual.
12. Broker shall not offer a rebate, gift, or other form of consideration to induce a Subsidy-Eligible Individual to choose a particular Health Connector Plan or other insurance affordability program.
13. Broker shall not receive a commission, fee, or other compensation from any carrier for the sale or renewal of Health Connector Plans to Subsidy-Eligible Individuals from any carrier unless such carrier has an agreement with the Health Connector regarding such sales or renewals. The Health Connector shall confirm for the Broker, upon request, the existence of such agreement.

14. This Non-Group Addendum is governed by the terms of the Agreement, all of which are incorporated herein. The term of this Non-Group Addendum shall continue as long as the Agreement is in force and may be renewed along with the Agreement in accordance with Paragraph 11 of the Agreement.

IN WITNESS WHEREOF, the parties have executed this Non-Group Addendum as of

\_\_\_\_\_.

Commonwealth Health Insurance Connector Authority

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Broker

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

MA Producer/License #: \_\_\_\_\_

## Exhibit A--Broker Disclosure Form

### *What a Broker Does*

You are seeking assistance from a broker, who is licensed by the Massachusetts Division of Insurance to sell insurance (also known as an agent or insurance producer) and certified by the Massachusetts Health Connector. This person can help you apply for insurance coverage including insurance that is provided through the Massachusetts Health Connector. A Broker that has been certified by the Massachusetts Health Connector may help you apply for financial assistance with paying for your health coverage, and if you are determined eligible for financial assistance, may assist you with selecting and enrolling in a health plan through the Health Connector.

Brokers may be paid by a health insurance carrier to enroll individuals into the health insurance carrier's insurance products. You should be aware that there are a number of insurance carriers and insurance products that you can choose from in Massachusetts, and not all insurance carriers necessarily pay a Broker to enroll individuals into their plans. Different insurance carriers will also have different premiums and cost-sharing and may have different networks of providers, so be sure to review these items with your Broker before selecting a health plan.

You also may be eligible for federal and/or state subsidies if you apply for financial assistance through the Health Connector. Your Broker will tell you if you qualify for any subsidy programs if your Broker assisted you in submitting an application for financial assistance. Note, if you are a resident of Massachusetts, and do not qualify for certain federal programs (e.g., TRICARE, Medicare, etc.), then you can only obtain federal or state financial assistance to pay for your health coverage by applying through the Health Connector.

Brokers must follow applicable federal and state laws. A Broker cannot sign an application on your behalf. You do not have to pay for the help you receive from a Broker when applying for financial assistance through the Health Connector, and you are not required to have a Broker in order to apply for, or receive financial assistance. If you are interested in applying for coverage without a broker, or if you are interested in different carriers or products other than what the Broker offers you, you can apply directly or with the assistance of a certified Navigator or Certified Application Counselor through the Health Connector at [MAhealthconnector.org](http://MAhealthconnector.org) or by calling 1-877-MA-ENROLL. You may also apply for coverage directly through a health insurance carrier by calling their customer service line or visiting their website, and online shopping websites may also be available to you. Note that if you do not apply through the Health Connector, you will not be able to access federal or state subsidies to help you pay for your health coverage.

### *Acceptance of Broker (to be signed by the applicant or member)*

I acknowledge that I am being helped by a Broker, who is licensed by the Massachusetts Division of Insurance to sell insurance and may be paid a commission to enroll me into a health insurance carrier's product. I have been told by the Broker that there are other ways to enroll in insurance including by contacting the Massachusetts Health Connector online at [MAhealthconnector.org](http://MAhealthconnector.org) or by phone at 1-877-MA-ENROLL, where I can see if I qualify for help paying for insurance and also view insurance products offered by other insurance companies.

I understand that the information about me that is provided to the Broker will only be used to apply for, enroll in, or renew my health benefits. I also understand that such information may be shared with and/or used by other organizations, including the Health Connector and MassHealth, to decide if I qualify for health benefits. Recipients of such information, including the Health Connector and MassHealth, will maintain the confidentiality of such information in accordance with applicable laws.

Signature of Applicant/Member: \_\_\_\_\_

Print Name of Applicant/Member: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Broker: \_\_\_\_\_

Print Name of Broker: \_\_\_\_\_ Date: \_\_\_\_\_