

**CONFLICT OF INTEREST POLICY
FOR
NAVIGATORS AND APPLICATION ORGANIZATIONS**

All individuals acting as Navigators or Application Organizations in the State of Indiana are subject to regulation by the Commissioner of the Indiana Department of Insurance (the "Commissioner") and the Secretary of the Indiana Family and Social Services Administration. Each must be certified and registered in accordance with Indiana law prior to providing consumer assistance related to a health benefit exchange ("Exchange") or other public health insurance program, including Medicaid, the Healthy Indiana Plan, and the Children's Health Insurance Program. As part of such certification and registration, each Navigator and Application Organization must certify compliance with this Conflict of Interest Policy (this "Policy").

Section 1. Purposes. The Navigator program (the "Program") is intended to provide information and assistance to consumers enrolling in health insurance through an Exchange or other public health insurance program. The role of each Navigator and Application Organization is to provide fair and impartial information and assistance regarding health insurance plan and product options, enrollment, as well as eligibility for public health insurance programs, premium credits or cost-sharing reductions. However, the varied relationships impacting Navigators and Application Organizations may be interpreted as presenting a conflict of interest affecting the Navigator or Application Organization's ability to provide fair and impartial guidance to consumers. The Navigator or Application Organization's services should not be rendered impossible solely by reason of potential duality of interest or possible conflicts of interest. However, this service nevertheless carries with it a requirement of impartiality, it being the responsibility of each Navigator and Application Organization to act solely in the best interest of the consumer in guiding the consumer to the most appropriate health insurance product available in the market. Based on the foregoing, the purpose of this Policy is to protect the interests of consumers when a Navigator or Application Organization has a private interest that could impact the impartiality of the assistance provided by the Navigator or Application Organization.

Section 2. Definitions.

- (a) Application Organization. An Application Organization means an entity that assists individuals with applications for and enrollment in the Exchange or other public health insurance program, meets the minimum qualifications of Section 1311(i) of PPACA and performs the functions of a navigator with respect to the Exchange as established by the Commissioner.
- (b) Compensation. Compensation means anything of value, including money or other in-kind benefits of any type, such as grants, credit, loans, as well as any other type of financial influence, including but not limited to gifts, free or discounted travel and prizes, whether paid as commission or otherwise. Compensation does not include tangible goods bearing insurer name or other advertisement having an aggregate value of less than \$100 per year per insurer.

- (c) Conflict of Interest. The definition of “Conflict of Loyalty” below shall control in determining whether a Person has a non-financial Conflict of Interest. The definition of “Financial Interest” below shall control in determining whether a Person has a Conflict of Interest in the context of Compensation made to the Navigator or Application Organization.
- (d) Conflict of Loyalty. A Person has a Conflict of Loyalty if the person has, directly or indirectly, through business or family, an interest or relationship with a third party that prohibits or inhibits, or potentially prohibits or inhibits, the person from exercising independent judgment in the best interests of the consumer. For example, a Navigator or Application Organization may have a Conflict of Loyalty through a business relationship with an insurance carrier, even if unrelated to plan enrollment, or by having an interest in the consumer's insurance carrier selection based on reimbursement rates or other factor.
- (e) Financial Interest. A Person has a Financial Interest if, as a result of the consumer insurance selection at issue, the person will receive, or may receive, any Compensation or other financial arrangement or benefit, either directly or indirectly, from a third party. A Person, who receives Compensation from a health insurance issuer (as defined in Section 2791 of the federal Public Health Service Act (42 U.S.C. 300gg-91)) in connection with the enrollment of an individual in a health plan, is prohibited from serving as a Navigator or Application Organization in the Program. For purposes of this definition, a Navigator or Application Organization receiving Compensation through the Exchange pursuant to Section 1311(i)(6) of PPACA does not have a Financial Interest by reason of that Compensation.
- (f) Interested Person. Any Navigator or Application Organization or any owner, partner, officer, director, member, or manager of the Application Organization that has an actual or possible Conflict of Loyalty or Financial Interest is an Interested Person.
- (g) Navigator. A Navigator means any individual that assists other individuals with applications for and enrollment in the Exchange or other public health insurance program, meets the minimum qualifications of Section 1311(i) of PPACA and performs the functions of a navigator with respect to the Exchange as established by the Commissioner.
- (h) Person. Any Navigator or Application Organization or any owner, partner, officer, director, member, or manager of the Application Organization.

Section 3. Procedures.

- (a) Duty to Disclose Conflict of Loyalty and Financial Interest. In connection with any actual or possible Conflict of Loyalty and/or Financial Interest, an Interested Person must disclose the existence and nature of his or her Conflict of Loyalty

and/or Financial Interest (i) to the Commissioner as part of the certification and registration process, (ii) subject to Section 3(b)(iii) of this Policy, to the Commissioner within thirty (30) days of a change in Conflict of Interest status, and (iii) by the Navigator to each consumer that is directly assisted by the Interested Person through his or her participation in the Program.

- i. Consumer Disclosure. Disclosures made to consumers in accordance with this Policy must be made prior to the submission of an application for insurance coverage. Such disclosures shall include the following information:
 - A. a description of the role of the Navigator, including the duty to present all insurance options in a fair and balanced manner;
 - B. a description of any actual or possible Conflict of Loyalty and/or Financial Interest that may affect the Navigator's ability to provide fair and balanced information, including any affiliations or relationships with the health insurance issuers either directly with the Navigator or through an Application Organization, or an owner, partner, officer, director, member, or manager of the Application Organization, that the Navigator is affiliated with; and
 - C. alternative consumer assistance resources available to the consumer.

(b) Addressing the Conflict of Interest.

- i. Conflict of Interest disclosures made to the Commissioner and each consumer pursuant to this Policy may be sufficient to address the Conflict of Interest, provided that the Interested Person performs his or her duties in an impartial manner by presenting all health plan choices available to the consumer in a fair and balanced manner, without regard to his or her compensation structure or other Conflicts of Interest, whether actual or perceived.
- ii. If the Interested Person does not believe that his or her duties may be executed in an impartial manner due to the Conflict of Interest, the Interested Person is obligated to withdraw from providing the services giving rise to the Conflict of Interest, which may include withdrawing completely from the Program.
- iii. Prohibited Financial Interest. A Financial Interest may not be cured by disclosure if it involves the prohibited Financial Interest of a Navigator or Application Organization regarding Compensation received from a health insurance issuer in connection with the enrollment of an individual in a health plan. Such prohibited Financial Interest constitutes a violation of

this Policy and Ind. Code § 27-19-4-3 or any rule promulgated thereunder, and the Navigator or Application Organization must immediately notify the Commissioner of such prohibited Financial Interest. Violation of this Policy and Ind. Code § 27-19-4-3 or any rule promulgated thereunder shall result in any one or combination thereof of the enforcement actions set forth in Ind. Code § 27-19-4-3 or any rule promulgated thereunder.

A. If such prohibited Financial Interest has not yet occurred and the Navigator or Application Organization knows of the forthcoming prohibited Financial Interest, the Navigator or Application Organization shall immediately notify the Commissioner of the forthcoming prohibited Financial Interest and withdraw from the Program.

(c) Violations of the Conflict of Interest Policy.

- i. If the Commissioner has cause to believe that an Interested Person has either (1) failed to disclose an actual or possible Conflict of Interest, or (2) is steering or otherwise encouraging consumers to enroll in an insurance plan based on factors other than the consumer's best interest, the Commissioner shall inform the Interested Person of the basis for such belief and afford the Interested Person an opportunity to explain the alleged violation of this Policy.
- ii. If, after hearing the response of the Interested Person and making such further investigation as may be warranted in the circumstances, the Commissioner determines that the Interested Person has in fact violated this Policy, it shall take appropriate disciplinary and corrective action to the full extent of the Commissioner's statutory authority under Ind. Code § 27-19-4-3, including the revocation of the Interested Person's certification or registration.

Section 4. Statements. Each Navigator and Application Organization shall sign a statement as part of the certification and certification renewal process which affirms that such person or organization:

- (a) has received a copy of the current Conflict of Interest Policy;
- (b) has read and understands the Policy; and
- (c) has agreed to comply with the Policy.