

**Text of Regulatory Language to Readopt:**

**Article 10, Sections 6800, 6802, 6804, and 6806,**

**Article 10. Certified Insurance Agents.**

**§ 6800. Definitions.**

(a) For purposes of this article, the following terms shall have the following associated meanings:

Consumer: A person or entity seeking information on eligibility and enrollment or seeking application assistance with a health insurance or health related product available through the Exchange. The term consumer includes, but is not limited to, an applicant, an application filer, authorized representative, employer, qualified employee, qualified employer, qualified individual, small employer, or enrollee as defined in Section 6410 of Article 2 of this Chapter.

Certified Insurance Agent: An agent certified by the Exchange to transact in the individual and Small Business Health Options Program (SHOP) Exchanges.

Note: Authority cited: Sections 100503 and 100504, Government Code. Reference: Sections 100503, Government Code; and 45 C.F.R. §§ 155.205 and 155.220.

**§ 6802. Eligible Individuals.**

- (a) All individuals who are natural persons who hold a valid license and are in good standing as a life licensee under Insurance Code Section 1626 by the California Department of Insurance to transact in accident and health insurance are eligible to apply to become a Certified Insurance Agent.
- (b) The Exchange may require proof of a valid license and good standing by the California Department of Insurance as a condition of eligibility.

Note: Authority cited: Sections 100503 and 100504, Government Code. Reference: Sections 100503, Government Code; and 45 C.F.R. § 155.220.

**§ 6804. Agent Certification Application.**

- (a) To become a Certified Insurance Agent an eligible individual pursuant to Section 6802 shall:
- (1) Create an account for agents at [www.CoveredCA.com](http://www.CoveredCA.com), including, but not limited to, the following:
    - (A) Agreement to adhere to the CalHEERS Terms and Conditions (Rev. September 2013) herein incorporated by reference;

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- (B) Business Legal Name, Federal Tax-ID (FEIN) and State Tax-ID (SEIN) if the individual is employed by or associated with a business. If the individual is not employed or associated with a business, provide the individual's First Name, Last Name, and Social Security Number;
  - (C) Identifying information for the individual including first name, last name, date of birth, Social Security Number, and Department of Insurance agent license number;
  - (D) Contact information including, but not limited to, address, email, phone number and preferred method of communication;
  - (E) A username, password, and Personal Identification Number (PIN).
- (2) Apply to the Exchange at [www.CoveredCA.com](http://www.CoveredCA.com) by providing information including, but not limited to, the following:
- (A) First and last name;
  - (B) Insurance agent license number from the California Department of Insurance;
  - (C) License expiration date;
  - (D) Primary, business, and alternate phone number;
  - (E) Business name;
  - (F) Fax number;
  - (G) Federal Employment Identification Number, if any;
  - (H) Business address; and
  - (I) Correspondence address;
- (3) Select a preferred method of payment as either check or direct deposit.
- (A) If the individual chooses direct deposit, the individual shall provide the following information:
    - 1. Bank Name;
    - 2. Bank Routing Number;
    - 3. Bank Account Number;
    - 4. Name on account; and
    - 5. Payment Method.
  - (B) If the individual chooses checks, the individual shall provide the address to which the checks will be mailed.
- (b) The Exchange shall review the application and request any additional or missing information necessary to determine eligibility.

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- (c) Individuals who have submitted a completed application shall be notified of available opportunities by the Exchange for the individual to complete the training requirements established pursuant to Section 6806, subdivision (a).
- (d) Individuals who complete the training requirements established pursuant to Section 6806, subdivision (a), shall submit the following:
  - (1) Payment for:
    - (A) Fees required by the California Department of Insurance pursuant to Insurance Code Sections 1751.3 and 12978; and
    - (B) Administrative fees of ten (10) dollars and twenty-five (25) cents.
  - (2) An executed Agent Agreement (Rev. ~~September 2013~~ March 2014) establishing the agent's roles and responsibilities, herein incorporated by reference;
  - (3) Proof of errors and omissions liability insurance with coverage of not less than \$1,000,000 per occurrence and \$1,000,000 annually in the aggregate; and
  - (4) A completed STD.204 Payee Data Record (Rev. June 2003) herein incorporated by reference.
- (e) Upon successful completion of subdivisions (a) – (d) above, the individual shall be designated as Certified Insurance Agent by the Exchange.

Note: Authority cited: Sections 100503 and 100504, Government Code. Reference: Sections 100503, Government Code; and 45 C.F.R. §§ 155.220. and 155.260.

### **§ 6806. Training Standards.**

- (a) All individuals who apply to become a Certified Insurance Agent shall complete training and receive a passing score of at least 80% in the Exam administered by the Exchange including, but not limited to, the following subjects prior to becoming certified:
  - (1) QHPs (including the metal levels described at 45 C.F.R. § 156.140(b)), and how they operate, including benefits covered, payment processes, rights and processes for appeals and grievances, and contacting individual plans;
  - (2) The range of insurance affordability programs, including Medicaid, the Children's Health Insurance Program, and other public programs;
  - (3) The tax implications of enrollment decisions;
  - (4) Eligibility requirements for premium tax credits and cost-sharing reductions, and the impacts of premium tax credits on the cost of premiums;
  - (5) Contact information for appropriate federal, state, and local agencies for consumers seeking additional information about specific coverage options not offered through the Exchange;

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- (6) Basic concepts about health insurance and the Exchange; the benefits of having health insurance and enrolling through an Exchange; and the individual responsibility to have health insurance;
  - (7) Eligibility and enrollment rules and procedures, including how to appeal an eligibility determination;
  - (8) Providing culturally and linguistically appropriate services;
  - (9) Ensuring physical and other accessibility for people with a full range of disabilities;
  - (10) Understanding differences among health plans;
  - (11) Privacy and security standards applicable under 45 C.F.R. § 155.260 for handling and safeguarding consumers' personally identifiable information;
  - (12) Working effectively with individuals with limited English proficiency, people with a full range of disabilities, people of any gender identity, people of any sexual orientation, and vulnerable, rural, and underserved populations;
  - (13) Customer service standards;
  - (14) Outreach and education methods and strategies; and
  - (15) Applicable administrative rules, processes, and systems related to Exchanges and QHPs.
- (b) Training shall be provided by the Exchange through instructor led training or computer based training at the discretion of the Exchange.
- (c) All Certified Insurance Agents shall participate in at least four (4) hours of Continuing Education Courses offered by the Exchange during the first year and each subsequent year to maintain certification by the Exchange. A year shall be based on the date of certification.

Note: Authority cited: Sections 100503 and 100504, Government Code. Reference: Sections 100503, Government Code; and 45 C.F.R. §§ 155.220 and 155.260.