

**Maryland Health Benefit Exchange Carrier and Qualified Plan
Certification
Interim Procedures – Additional Definitions; Carrier Requirements
Related to Producer Appointment**

*Authority: Insurance Article §§ 31-106(c)(1)(iv); 31-108(b)(4); 31-115(b)(5)(vi); 31-115(b)(6)(ii),
Annotated Code of Maryland.*

Technical Changes

This section amends Maryland Health Benefit Exchange Carrier and Qualified Plan Certification Interim Procedures, as adopted by the Maryland Health Benefit Exchange Board of Trustees on October 9, 2012, by changing the title of the Interim Procedures to read “Maryland Health Benefit Exchange Carrier Authorization and Qualified Plan Certification Interim Procedures.”

Definitions

This section amends Maryland Health Benefit Exchange Carrier and Qualified Plan Certification Interim Procedures, as adopted by the Maryland Health Benefit Exchange Board of Trustees on October 9, 2012, by adding the following:

.01 Scope and Definitions

C. Definitions.

For purposes of these interim procedures, the following definitions apply...

“Appointment” has the meaning stated in Insurance Article, §1-101(f), Annotated Code of Maryland.

“Authorized Producer” means an insurance producer authorized to sell qualified plans in the Individual or SHOP Exchanges pursuant to, as applicable, Insurance Article §§31-112(f) and 31-113(m), Annotated Code of Maryland.

“Captive Producer” means an authorized producer who has a current and exclusive appointment with a single carrier and receives compensation as a captive producer only from that carrier.

“Point of Sale” means the point at which an authorized producer presents the enrollment application of a qualified individual or employer to a carrier offering qualified plans on the Maryland Health Benefit Exchange.

“Qualified Employer” has the meaning stated in Insurance Article, §31-101(q), Annotated Code of Maryland.

“Qualified Individual” has the meaning stated in Insurance Article, §31-101(s), Annotated Code of Maryland.

“Qualified Plan” has the meaning stated in Insurance Article, §31-101(t), Annotated Code of Maryland.

Requirements Related to Producer Appointment

The following addresses requirements related to producer appointments, and amends to section .03C of the Maryland Health Benefit Exchange Carrier and Qualified Plan Certification Interim Procedures, as adopted by the Maryland Health Benefit Exchange Board of Trustees on October 9, 2012, to add the following:

.03 Application Procedures

C. A carrier authorization applicant must attest to the following in its application for authorization:

(16) That the carrier will:

(a) allow a producer authorized by the Maryland Health Benefit Exchange under Insurance Article §§31-112(f) and 31-113(m), and pursuant regulations, to present all qualified plans the carrier offers for sale through the Exchange to qualified individuals and qualified employers.

(b) use the following standards to appoint an authorized producer, except if the producer is a captive producer, at all times, including at the point of sale:

(1) the carrier will appoint an authorized producer within 10 business days of receiving the request for appointment, including all related application materials, as specified by the carrier.

(2) the carrier, except where the carrier shows cause to deny an appointment to a producer for the reasons specified under Insurance Article 31112(e)(1), Annotated Code of Maryland, will appoint every producer who is authorized by the Maryland Health Benefit Exchange and requests to be appointed by the carrier;

(3) the carrier shall allow an authorized producer whose appointment is under review by the carrier to enroll qualified individuals and qualified employers into its qualified plans without undue delay and independent of its decision to appoint the producer;

(4) the carrier shall provide a basis for denial at the request of the authorized producer within 10 business days of receiving the request;

(5) the carrier shall reconsider any denial of appointment at the request of the authorized producer within 10 business days of receiving the request;

(6) any dispute regarding the denial of appointment made by a carrier shall, at the request of the carrier or the authorized producer, be subject to review by the Commissioner ; and

(7) the carrier shall allow an authorized producer whose denial of appointment is under review by the Commissioner to sell to and enroll qualified individuals and qualified employers into its qualified plans until the Commissioner issues a final determination with regard to the denial of appointment.

(17) That the carrier will not:

(a) deny an appointment based on a producer's current or previous failure to produce a volume of business specified by the carrier; or

(b) impose a requirement on the producer to produce a volume of business specified by the carrier as a condition of appointment.

(18) A carrier may limit the scope of an authorized producer's appointment to the sale of products sold only on the Individual and SHOP Exchanges..

(19) That the carrier will provide, upon request, information to the Maryland Health Benefit Exchange from the producer register that the carrier is required to maintain pursuant to Code of Maryland Regulations 31.03.13.