

Federal and State Laws affecting the Health insurance agent/consumer relationship

I. Ohio Law Applicable to Agent Representation of Consumers (25 minutes)

Review of Ohio Revised Code Section 3905.55

- i. Charging consumer a fee
 - 1. Disclosure of fee and premium
 - 2. Not calculated as percentage of premium
 - 3. No reduction for commission earned
 - 4. Consumer consent to fee
 - 5. Prohibition on discrimination
 - 6. Exceptions to charging a fee
- ii. Policy issued on no commission basis
 - 1. Prior disclosure of fee and services to be provided
 - 2. Disputes: Burden of Proof

II. Federal law/CMS guidance regarding Agent Representation of Consumers (25 Minutes)

Representation of consumers on the Federally-Facilitated Marketplace (FFM)

- i. Prohibition on fees when service limited to submittal of application
- ii. Circumstances when consultation fee may be permitted
 - 1. Discussion of options both on and off FFM
 - 2. Discussion of Minimum Essential Benefits requirements
 - 3. Web-brokers operating a non-FFM website
 - i. Charging a fee subject to applicable state law
 - ii. Disclosure of amount and reason for fee
 - iii. Informing consumer he/she can apply through FFM at no cost

III. Questions & Answers (10 Minutes)