

THE INSURANCE CODE OF 1956 (EXCERPT)
Act 218 of 1956

500.1262a Certified application counselor; certification; application; funding from exchange prohibited; powers; prohibited conduct; disclosure of potential conflict of interest.

Sec. 1262a.

- (1) An individual shall not act as a certified application counselor unless he or she has filed an application under section 1263(2) and is certified with this state as a certified application counselor.
- (2) Unless certified as a certified application counselor, an individual shall not receive funding from an exchange.
- (3) Subject to the affordable care act, a certified application counselor may do all of the following:
 - (a) Conduct public education activities to raise awareness of the availability of qualified health plans.
 - (b) Distribute fair and impartial information about all qualified health plans offered within the exchange and the availability of the premium tax credits under section 36B of the internal revenue code of 1986, 26 USC 36B, and cost-sharing reduction under section 1402 of the affordable care act.
 - (c) Assist individuals applying for coverage in a qualified health plan.
 - (d) Facilitate selection of eligible individuals in a qualified health plan.
 - (e) Provide information in a manner that is culturally and linguistically appropriate to the needs of the population served by the exchange.
 - (f) Refer an individual with limited English proficiency to a navigator, insurance producer, or other source of assistance.
- (4) A certified application counselor shall not do any of the following:
 - (a) Sell, solicit, or negotiate health insurance.
 - (b) Recommend a particular qualified health benefit plan.
 - (c) Provide any information or services related to insurance regulated under this act other than qualified health benefit plans or other products offered in the exchange.
- (5) Before providing services to or acting for an individual under subsection (3), a certified application counselor shall disclose any potential conflict of interest to the individual.

History: Add. 2014, Act 566, Imd. Eff. Jan. 15, 2015

Compiler's Notes: Enacting section 1 of Act 566 of 2014 provides: "Enacting section 1. (1) This amendatory act shall not be construed to do any of the following: (a) Authorize this state or an agency of this state to conduct or oversee state-level governmental consumer assistance functions for an American health benefit exchange established or operating in this state under the patient protection and affordable care act, Public Law 111-148, as amended by the health care and education reconciliation act of 2010, Public Law 111-152. (b) Convey any administrative, statutory, rule-making, or other power to this state or an agency of this state to authorize, establish, or operate an American health benefit exchange in this state that did not exist before the effective date of this amendatory act. (2) It is the intent of this legislature that any consumer assistance functions by or overseen by this state or an agency of this state with regard to an American health benefit exchange shall be conducted in a manner that utilizes and highlights Michigan-based resources, including insurance producers, in order to best serve the residents of this state and to ensure appropriate health care decisions." Enacting section 2 of Act 566 of 2014 provides: "Enacting section 2. This amendatory act applies to policies, certificates, or contracts delivered, issued for delivery, or renewed in this state on and after the effective date of this amendatory act."

Popular Name: Act 218