

**HBE 15-004 Appendix A:  
Navigator Program  
Conflict of Interest Standards**

The following conflict of interest standards apply to Navigator Lead Organizations, Navigator Organizations, Statewide Navigator Organizations, and individual Navigators. It is expected that organizations and Navigators will also comply with any subsequent guidelines from the U.S. Department of Health and Human Services regarding conflict of interest standards.

1. Navigator Lead Organizations, Statewide Navigator Organizations, and Navigator Organizations must assure conformance to the following requirements:
  - a. Must not be engaged in the business of selling or issuing health insurance and may not be affiliated with an organization that sells or issues health insurance.
  - b. Must not be an Association that includes members of the insurance industry or who lobbies on behalf of the insurance industry.
  - c. Board members of Lead, Statewide, or Navigator organizations who are engaged in or are affiliated with organizations that sell or issue health insurance must not participate in actions or decisions directly or indirectly related to operation of the Navigator Program.
  - d. Must not receive any consideration, directly or indirectly, from a health insurance issuer related to enrollment of individuals/employees in a Qualified Health Plan (QHP) or non-QHP. Consideration includes any compensation, monetary or in-kind, including grants, influence, gifts or gratuities.
  - e. Must not be a provider entity (including but not limited to hospitals, clinics, and physician practices) directly owned by, a subsidiary of, or that exclusively contracts with a single insurer or its subsidiaries. An exception may be made if the provider can demonstrate that there are significant limitations on available insurers with whom to contract.
  - f. Must disclose to the HBE Navigator Program Manager for the Contract any relationship they believe may be or may appear to be a potential conflict of interest.
  - g. Must disclose all business relationships with Carriers. Upon request of the Exchange, the organization must submit to the Exchange a list of all Carriers from which compensation has been received in the previous 12 months; the amount of compensation received from each Carrier during the previous 12 months; and the nature of the compensation (patient services or other work performed). This disclosure must be submitted even if the relationships are unrelated to plan enrollment and Navigator functions. Not all relationships with carriers would disqualify an organization from serving as a Navigator.
  - h. Monitor and assure that individual Navigators deliver assistance impartially, and must not allow any financial or non-financial interests to influence or appear to influence the impartial delivery of Navigator assistance.
  
2. Individual Navigators must not:
  - a. Accept any direct or indirect compensation from a health insurance issuer in connection with enrollment of individuals or employees.
  - b. Charge for their services, perform lead generation or profit from services.
  - c. Allow personal or professional interests to influence a consumer's decisions.
  - d. Solicit or persuade a consumer to enroll in a specific plan or switch from one plan to another.
  - e. Solicit or persuade a consumer to engage a particular broker, but may assist locating or contacting broker resources.

3. Navigator Lead Organizations and Statewide Navigator Organizations are responsible to:
  - a. Ensure individual Navigators operate in compliance with the Code of Ethics attested to prior to Navigator certification.
  - b. Ensure Navigator Organizations delivering services under the direction of the Lead Organization comply with Conflict of Interest standards.
  - c. Ensure individuals providing Navigator services are informed about Conflict of Interest standards as part of the training and certification process, including but not limited to:
    - i. What constitutes a conflict of interest;
    - ii. The process a Navigator or Navigator Organization uses for notifying the Lead Organization of a potential conflict; and
    - iii. Potential consequences for unauthorized disclosure of consumers' personally identifiable information (PII) or personal health information (PHI).
  - d. Establish a process for addressing potential conflict of interest, including;
    - i. Process for reporting incidents – including who to notify;
    - ii. Responsibility for reviewing/investigating;
    - iii. Responsibility for determining appropriate action; and
    - iv. Time frame for addressing reported conflict and notifying, HBE, the individual or organization reporting the potential conflict of the decision/action.