

Arkansas Insurance Department

Mike Beebe
Governor



Jay Bradford
Commissioner

March 24, 2014

BULLETIN NO. 8 -2014

TO: ALL HEALTH INSURERS, AGENCIES, PRODUCERS, BROKERS, GUIDES, ETC., ASSISTING CONSUMERS WITH PURCHASING POLICIES ON THE AFFORDABLE CARE ACT MARKETPLACE

FROM: ARKANSAS INSURANCE DEPARTMENT

SUBJECT: HEALTH INSURANCE MARKETPLACES OR PORTALS WITH IMAGES, COLOR, OR LANGUAGE THAT MISLEAD THE PUBLIC TO BELIEVE THEY ARE ACCESSING A HEALTH EXCHANGE MARKETPLACE PORTAL

This bulletin is issued in response to certain electronic media and other marketing material having adopted business names, logos, electronic addresses, or other identifying marks confusingly similar to Exchanges or Marketplaces offering qualified health plans as governed by the Affordable Care Act (ACA). The use of these names lead consumers to believe that the producer or entity provides a direct portal or pathway to purchase ACA qualified health plans when that producer or entity may, instead, use that marketing to obtain information to sell health and accident policies.

Insurers, producers, or persons that place or accept business through unlicensed portals, which maintain these portals are selling or offering qualified health plans through the Federally-facilitated Health Insurance Marketplace, Arkansas Marketplace or the Arkansas Private Option are accountable for Trade Practices violations pursuant to Arkansas Code Ann. §§23-66-201 *et.seq.*

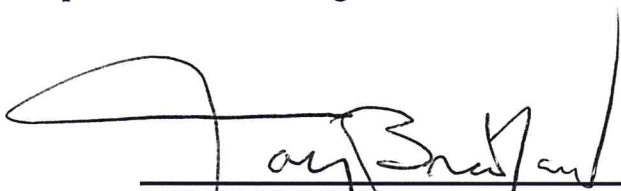
Licensed persons or entities shall not mislead, misrepresent, design or participate in any design of a program, entity name, webpage, or internet solicitation intended to look like Healthcare.gov, ARHealthconnector.org or Access Arkansas; nor shall a person or entity create any name, logo, symbol, or web address of any kind which is similar enough to mislead a consumer to believe it is a direct pathway for purchase of qualified health plans offered in Healthcare.org, ARHealthconnector.org or Access Arkansas as authorized under the ACA. Doing so is a violation of Arkansas Code §23-66-206(8).

Licensed persons or entities may place a link to the Arkansas Health Connector, <http://ahc.arkansas.gov/>, Healthcare.gov, ARHealthconnector.org or Access Arkansas sites, but the inclusion or placement of such a link does not release liability for misleading marketing material or information.

Private Health Insurance Exchanges/Marketplaces selling Qualified Health Plans in Arkansas are responsible for the producers selling these products and shall ensure those producers are duly licensed as Exchange Licensed Producers. Private Health Insurance Exchanges/Marketplaces that sell Qualified Health Plans through an ACA approved Marketplace are responsible for ensuring the products being offered are those products provided by Arkansas licensed health insurers that have been certified for sale in the Arkansas Federally Facilitated Marketplace.

In the event the Department receives a complaint regarding this Trade Practice issue, insurers may be held responsible for the actions of their appointed agents.

If you have questions related to this Bulletin, please contact the Legal Division at 501-371-2820 or e-mail insurance.legal@arkansas.gov.



JAY BRADFORD
INSURANCE COMMISSIONER
STATE OF ARKANSAS

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