



Illinois Department of Insurance

JB PRITZKER
Governor

DANA POPISH SEVERINGHAUS
Director

TO: All Licensed Producers, Navigators, and Certified Application Counselors

FROM: Dana Popish Severinghaus, Director

DATE: November 14, 2022

RE: Company Bulletin 2022-18 – Healthcare.gov Logins and Applications

The Illinois Department of Insurance has been alerted that some insurance producers may be engaging in the unethical practice of withholding access to their client's ACA health plan accounts and login information, including healthcare.gov account and/or re-enrolling clients without their knowledge into potentially inappropriately priced health plans. The Department finds this practice to be unethical and a violation of Section 500-70 (a)(8) of Illinois Insurance Code, 215 ILCS 5/500-70(a)(8). This Company Bulletin puts all Illinois licensed producers on notice that the Department will take regulatory action against a producer's license if there is evidence of the producer engaging in the practice of withholding their client's ACA health plan accounts and login information or re-enrolling clients without their knowledge.

Per the Centers for Medicare and Medicaid Services (CMS), producers are prohibited from obtaining, establishing, or using a client's healthcare.gov credentials. When using enhanced direct enrollment, producers should explain to their clients that the client can create their own healthcare.gov login information which is separate from the enhanced direct enrollment login and carrier login. Not having access to healthcare.gov login information may prevent clients from obtaining assistance from Navigator institutions offering post-enrollment services.

The Department would also like to remind producers about the importance of ensuring financial information on ACA applications is accurate. Entering client's financial information based on their prior responses without accounting for any changes from the previous year, can lead to negative tax consequences when clients file their tax returns if there is a discrepancy between the income reported on their ACA application and their income reported to the IRS. Additionally, it is important that ACA application documents be provided or explained to a client in their native language.

All licensed producers are expected to provide services in a transparent, ethical manner, including sharing the client's account and login information with them.

Please direct questions regarding this bulletin to the Assistant Deputy Director of Producer Regulatory Robert Rapp at Robert.Rapp@illinois.gov.