
Dear Mr. Swanson and Mr. Pyle:

AHIP appreciates the opportunity to provide feedback on the NAIC Improper Marketing of Health Insurance (D) Working Group's second draft of proposed amendments to Model #880, the Unfair Trade Practices Act (UTPA). We reiterate our commitment to continuing to work in partnership with the Working Group and regulators across the country as you consider potential solutions to ensure consumer protection in the insurance market.

AHIP appreciates the Working Group's adoption of our proposed definition of a Health Insurance Lead Generator. We believe this definition focuses on the activities identified as common to lead generation and appropriately distinguishes these entities as separate from insurers and producers. However, we concur with other stakeholders' concerns that this definition could include advertising outlets, such as television and radio stations, newspapers, and other advertising outlets.

The Working Group proposes to extend Section 3 to include Health Insurance Lead Generators, prohibiting practices as outlined in Section 4, including 4(B), which states that "Making, publishing, disseminating, circulating or placing before the public, or causing, directly or indirectly to be made, published, disseminated, circulated, or placed before the public, [...] an advertisement, announcement, or statement containing any assertion, representation or statement with respect to the business of insurance or with respect to any insurer in the conduct of its insurance business, which is untrue, deceptive or misleading."

By our reading, if an outlet were to run an advertisement that would meet the standard of being "untrue, deceptive or misleading" AND the outlet fits the definition of a lead generator to which the law applies, then the outlet could be held responsible for "circulating or placing before the public" the problematic advertisement. **AHIP recommends that the current definition be amended to exclude advertising outlets from the definition of a Health Insurance Lead Generator.**

