

September 30, 2022

on behalf of the National Association of

Health Underwriters (NAHU), a professional association representing over 100,000 licensed health insurance agents, brokers, general agents, consultants, and employee benefit specialists. The members of NAHU work daily to help millions of people purchase, administer, and utilize health insurance coverage, including Medicare eligible individuals purchasing private market coverage options. As such, we are grateful to be able to share our thoughts on the proposed changes to the National Association of Insurance Commissioners' Unfair Trade Practices Model Act.

Generally, NAHU supports the efforts of the Improper Marketing of Health Insurance (D) Working Group to improve state based regulation of entities that are inappropriately marketing health insurance products to consumers. However, in doing so, we believe it is critical to accurately target the entities Model:

E. "Insurance Lead Generator" means any marketing related activity or entity that publicizes the availability of an insurance, or what purports to be an insurance product or service.

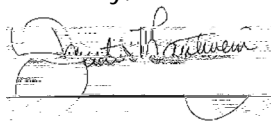
The draft would amend Section Three of the Model by expanding the prohibition on unfair trade practices to insurance lead generators, in addition to insurers. The proposed changes to the Model would also expand the scope of what is "false advertising" to include online advertisements, including those posted generally on the Internet and electronic mail advertisements. Finally, "insurance lead generators" would be required to maintain their books, documents and other business records related to marketing and customer

Misleading marketing efforts directed at potential health insurance beneficiaries negatively affects enrollees and honest actors helping individuals with their coverage options, including licensed health insurance agents and brokers. That senior citizens are regularly besieged

organizations (TPMOs). The new federal definition is overly broad and adds an additional burden to licensed and certified agents attempting to assist Medicare beneficiaries when choosing a suitable MA plan, while it does not regulate the lead generation and unscrupulous marketing entities effectively. To avoid replicating this issue on the state level, we urge modification to the proposed definition of "insurance lead generator" as described above.

Thank you for the opportunity to provide input about the proposed changes to the Model Act. If you have any questions about our comments or need more information, please do not hesitate to contact me at (202) 595 0639 or jtrautwein@nahu.org.

Sincerely,



Janet Stokes Trautwein
Executive Vice President and CEO
National Association of Health Underwriters

CC: Greg Welker, National Association of Insurance Commissioners