

Article	Section #	Other Document Cross-Ref	Comment	Covered CA Response
1	1.15 f), g)		We respectfully request that Covered California enhance the verification process, implement data analytics to detect suspicious patterns and flag potential fraud in real-time, and improve the fraud process with carriers.	Covered California values this input and, if no updates to contract language are proposed, encourages addressing process enhancement suggestions through your existing relationship with Covered California. The Covered California Integrated Fraud Management team will follow up directly to address process improvement recommendations.
3	3.2.1		We understand that Covered California is considering the arbitrary number of 0.4%. We need to be more fiscally responsible and drive efficient appropriate marketing spend. In addition, we are concerned whether all QHPs are spending the 0.4%. We there fore request the following change: "Contractor is expected to spend at least 0.4% of projected premium on direct response advertising, outreach and community-based efforts, and non-open enrollment "brand" marketing that includes co-branding with Covered California. Brand marketing that does not reference Covered California does not count towards this expectation. Contractor can deviate from the 0.4% expectation if they can demonstrate efficient direct response spend."	Covered California values your feedback and is currently assessing this expectation for potential changes in Plan Year 2028. We are committed to keeping stakeholders informed and will share any updates or plans regarding contract development for this expectation.
3	3.3		We continue to request Covered California differentiate agents from web-broker/web-based entities since agents perform different services from web-broker/web-based entities that appear to primarily, or solely, assist with enrollment. We request the following additions as it related to agents/brokers: 1. Define "web-broker" or "web-based entity" differently than agents that actually service members if they aren't doing this now. 2. Identify each certified and terminated agent whether they are a web-broker/web-based entity versus agents/brokers servicing members. 3. Audit those identifying themselves as a servicing agent/broker that we feel should be considered web-broker/web-based entity and reclassify those as appropriate. 4. Update the Covered California Agreement to permit carriers the ability to differentiate the compensation, compensation methodology, and incentive compensation program of web-brokers/web-based entities from agent/brokers servicing members.	Covered California has decided there will be no differentiation between web-based enrollers and agents/brokers at this time. Covered California does not provide the system interfaces necessary for a broker to meet the CMS definition of a web-broker.
3	3.3b		We respectfully request removing this requirement. By allowing us the autonomy to adjust commissions without prior approval, we can respond more effectively to market dynamics and sustaining competition.	Covered California aims to support health insurance companies in addressing market dynamics through adjusting Agent commission rates, without causing undue delays or obstacles. This requirement is intended to ensure adjustments to Agent commissions made after the certification process are responsible, maintaining levels that allow Agents to continue delivering essential services.  No change will be made.
3	3.3b		We believe that it is more efficient to let broker commission levels be determined by market forces.	Covered California aims to support health insurance companies in addressing market dynamics through adjusting Agent commission rates, without causing undue delays or obstacles. This requirement is intended to ensure adjustments to Agent commissions made after the certification process are responsible, maintaining levels that allow Agents to continue delivering essential services.
4	4.3.4 i)		Regarding ECP network changes for 2026, the contract says "any change" has notification. We respectfully request a change in contract language to be similar/consistent with 4.3.3 c) which is "at least ten percent (10%) of enrollees resident within any county of an affected region...."	Covered California appreciates the feedback and will evaluate this requirement to determine the appropriate reporting threshold for future ECP network changes in the coming years.  No change will be made for Plan Year 2027.

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10	10.1 b) ii. 7. b.	QHP CCSB, QDP	We respectfully requests the following language in red be added: "Implement a contingency plan for responding to emergencies and/or disruptions to business or systems used to deliver services pursuant to this Agreement without degradation of the PHI and/or PII security <b>except as may be required temporarily by the plan to restore business or systems</b> , and is tested at least annually..."	It is expected that Contractor takes precautions necessary to protect PHI and PII during system restoration.  No change will be made.
10	10.1 b) ii. 7. d.	QHP CCSB, QDP	We respectfully request that "immediate" be changed to "prompt".	Covered California does not believe this existing requirement has caused confusion and will keep the language as it is to maintain its meaning and the urgency of its intent.
10	10.1 c) i.	QHP CCSB, QDP	Commenter has reviewed the Information Practices Act as applicable to Covered California and we have concluded the IPA's expectations are generally aligned to our Information Security practices. However, Commenter respectfully seeks to preserve its ability to consistently and efficiently maintain a program compliant with healthcare industry regulatory requirements, accepted practices, and HIPAA, as those have direct applicability.	Covered California expects Contractors to apply the Information Practices Act (IPA) in the same way Covered California would be expected to apply it. The IPA and ACA provisions will only apply to Covered California data in Contractor's possession.