

Code of Ethics for Agents



In the performance of my contractual duties as a Medicare agent for Molina Healthcare, Inc. and its subsidiaries and affiliates (“Molina”), I hereby acknowledge:

1. In offering Molina Medicare Advantage plans to Medicare beneficiaries, an organization and its contracted brokers/agents may not engage in any prohibited practices or activities. Prohibited practices include, **but are not limited to**, the following:
 - Discriminatory practices
 - Door-to-door solicitations
 - Forgeries/fraud
 - Misrepresentations or activities which would mislead, confuse, or misrepresent
 - Conducting cold calls
 - Distribution of non-approved enrollment and marketing materials
 - Accepting enrollment applications at Educational Events
 - Marketing in healthcare settings (i.e., waiting rooms, exam rooms, hospital patient rooms, dialysis centers, pharmacy counter areas)
 - Offering gifts or payments to induce enrollment
 - Accepting gifts or any commissions from affiliated providers, vendors, and customers
2. I will always represent Molina in a responsible, accurate, and respectable manner.
3. I understand that unsolicited contact with Medicare beneficiaries is prohibited.
4. A complete scope of appointment must be documented 48 hours prior to the scheduled personal appointment (unless CMS exceptions apply).
5. I will provide accurate information regarding eligibility requirements and plan benefits.
6. I will abide by all Medicare Communications and Marketing Guidelines (MCMG), State and Federal regulatory requirements, and Molina contract requirements.
 - I understand this disclaimer: “We do not offer every plan available in your area. Currently we represent [insert number of organizations] organizations which offer [insert number of plans] products in your area. Please contact Medicare.gov, 1-800-MEDICARE, or your local State Health Insurance Program (SHIP) to get information on all of your options.”
 - I understand I will need to include this disclaimer in all the following places:
 - Verbally conveyed within the first minute of a sales phone call
 - Electronically conveyed when communicating with a beneficiary through email, online chat, or other electronic means of communication
 - Prominently displayed on my website(s)
 - On all marketing materials, in print (12-point font), and television advertisements
7. I will not discriminate against any Medicare beneficiary who is eligible for a Molina Medicare Advantage product.

8. I will not make any statement, claim, or promise that conflicts with, alters, or erroneously expands upon the information contained within CMS approved Molina marketing materials.
9. I will not mislead, confuse, or misrepresent to potential members about Molina Advantage Medicare products, competitive plans, and or Medicare.
10. I will not misrepresent myself as an agent of Medicare, Social Security, or any agency of the Federal Government.
11. I will not offer any form of enticement, such as gifts or payments, to induce enrollment by potential members.
12. I will identify myself as representing Molina Medicare Advantage as a contracted Agent to all prospective or current members.
13. I understand that violation of any of the above will result in disciplinary action up to and including contract termination and reporting such actions to the applicable Department of Insurance and CMS.



Molina Medicare Advantage

Ways to Report Noncompliance, Fraud, Waste and Abuse

We are required to have policies and procedures in place to address noncompliance and fraud, waste, and abuse, including having mechanisms in place to report suspected or actual noncompliance and Fraud, Waste, and Abuse (FWA).

The following are the ways in which suspected or actual noncompliance and FWA can be reported:

- Notifying management or
- Notifying Molina's Medicare Compliance Officer directly or
- Through Molina's Compliance Hotline at 1-(866) 606-3889 or
- Online: <https://MolinaHealthcare.AlertLine.com>

Reports made through Molina's Compliance Hotline can be made anonymously.



Molina Medicare Advantage

Anti-Kickback Statutes

Molina conducts all business in compliance with federal and state Anti-Kickback (AKB) statutes and regulations, and all federal and state marketing regulations. AKB statutes and regulations prohibit paying or receiving anything of value to induce or reward patient referrals or the generation of business involving any item or service payable by federal and state health care programs. The phrase "anything of value" includes cash, discounts, gifts, excessive compensation, contracts not at fair market value, etc. Examples of prohibited AKB actions include a health care provider who is compensated based on patient volume, or a provider who offers remuneration to patients to influence them to use their services

You understand and will abide by the Anti-Kickback Statutes as written any will report any suspected or actual violations of the anti-Kickback statutes through the following reporting mechanisms:

- Notifying management or
- Notifying Molina's Medicare Compliance Officer directly or
- Through Molina's Compliance Hotline at 1-(866) 606-3889 or
- Online: <https://MolinaHealthcare.AlertLine.com>

Reports made through Molina's Compliance Hotline can be made anonymously.



Molina Medicare Compliance Officer

It is important to know Molina Medicare Compliance Officer's contact information in case you need to make a report.

The **Medicare Compliance Officer** for Molina is **Rohit Gupta**. His contact information is as follows:

Rohit Gupta, Vice-President, Medicare Compliance Officer
 Molina Healthcare, Inc.
 200 Oceangate, Suite 100
 Long Beach, CA 90802
 (562) 951-1594
 Email address: MedicareComplianceOfficer@MolinaHealthcare.com



Privacy and Security of Personally Identifiable Information ("PII") and Protected Health Information ("PHI")

The Affordable Care Act regulates the collection, use and disclosure of Personally Identifiable Information ("PII") of applicants for Marketplace insurance products offered through an Exchange. The Health Insurance Portability and Accountability Act (HIPAA) comprehensively regulates the use and disclosure of Protected Health Information (PHI). HIPAA grants individuals the ability to access their own PHI along with certain other rights. It also requires our organization to establish policies and practices that ensure individuals' PHI is protected and secure.

In the performance of my duties as contracted Agent on behalf of Molina, I hereby acknowledge the following:

1. Personally identifiable information (PII) means any information that could identify a specific individual, including but not limited to a child's name, name of a child's family member, street address of the child, social security number, or other information that is linked or linkable to the child.
 - I agree to comply with the privacy and security standards and obligations for PII adopted in accordance with 45 CFR § 155.260(b)(3);
 - I agree to monitor, periodically assess, and update its security controls and related system risks to ensure the continued effectiveness of those controls in accordance with 45 CFR §155.260(a)(5); and
 - I agree to bind any downstream entities to the same privacy and security standards and obligations to which Molina has agreed in its contract or agreement with the Exchange.

2. PHI is individually identifiable health information that contains one or more certain identifiers including, but not limited to, the following:
 - Names of individuals and relatives
 - Postal addresses
 - All elements of dates, like birthdates
 - Telephone and fax numbers
 - E-mail addresses
 - Social Security and Medicare numbers
 - Medical record numbers and health plan beneficiary numbers
 - Account numbers
 - Health plan beneficiary number
 - Account number
 - Certificate or license number
 - Vehicle identifiers and serial numbers, including license plate numbers
 - Device identifiers and serial numbers
 - Web URL
 - Internet Protocol (IP) address
 - Finger or voice print
 - Photographic image - photographic images are not limited to images of the face
 - Any other characteristic that could uniquely identify the individual
3. I agree to abide by the Business Associate Agreement I have entered into with Molina and safeguard Molina PHI.
4. I understand that PHI can be used or disclosed to the minimum necessary as permitted to serve as an Agent for Molina.
5. Only those involved in the treatment, payment, healthcare operations or other HIPAA permitted activities may share, apply, utilize, examine, or analyze PHI.
6. Any uses or disclosures of PHI not permitted or required under HIPAA require the individual's written authorization.
7. Our organization is subject to additional requirements, such as Medicaid laws and contractual requirements, which may further limit how our organization may use and disclose member PHI.
8. HIPAA regulations require that covered entities and business associates implement safeguards to secure PHI:
 - Administrative safeguards refer to policies and procedures created to manage and maintain security measures to protect protected health information.
 - I will ensure no unauthorized access to PHI by following physical security practices in my workplace.
 - I will keep PHI out of clear view from the public (desks, copiers/fax machines) and stored in secure areas.
 - I will dispose of documents and electronic media containing PHI in secured containers or by shredding.

- I will physically secure my laptop and other mobile equipment in locked drawers or by other appropriate means.
 - I will never leave my laptop or smart phone unattended in my car or when traveling. I will treat my laptop or smart phone like cash.
 - I will keep office doors and cabinets containing PHI locked.
 - I will not allow anyone to follow me into a secure location.
 - I will only discuss PHI in private settings with authorized “need to know” people to avoid eavesdropping.
 - When accessing, storing, and/or transmitting PHI on computers, smart phones, USB drives, and other electronic devices, I will follow Molina’s procedures related to:
 - Accessing networks
 - Encrypting e-mail and files containing PHI
 - Using passwords
 - Emailing PHI to a public email box with an extension like Gmail, MSN, or Verizon is not permitted
 - I am aware of phishing scams and have learned to prevent falling victim to bad actors. I will not click on suspicious links.
9. To comply with HIPAA, Molina must investigate all suspected or known privacy and security incidents in which PHI has been improperly accessed, acquired, used, or disclosed. This requirement applies to all forms of PHI and includes all unauthorized types of access and disclosures—inside and outside of our organization.
 10. Molina must also notify individuals of the incident if the breach compromises the security or privacy of their PHI. To ensure these requirements are fulfilled, I am responsible for promptly reporting suspect actions—no matter how minor they may appear—through Molina’s incident reporting process.
 11. I understand a breach is “discovered” as of the first day that it is known (or reasonably should have been known) to the covered entity or business associate.
 12. Because the 60-day notification clock starts on the date of discovery, it is imperative that all suspected or known privacy incidents be promptly reported in accordance with Molina’s incident reporting procedures. Additionally, government contracts may require that Molina promptly report the incident to state Medicaid agencies, Medicare or other government officials.
 13. Molina requires Agents to report any issues they see. The non-retaliation policy means that no one will get into any trouble for reporting issues.
 14. An incident is defined as the suspected or known improper access, acquisition, use, or disclosure of PHI.
 15. It is each Agent’s responsibility to make sure Molina’s members’ and patients’ PHI remains private and to report any suspected violations.
 16. Breaches of PHI not only violate an individual’s privacy and security rights but also have potentially severe consequences for Molina and its business associates.

17. Monetary penalties and criminal and legal prosecution exist to prevent violations from occurring and provide consequences for those who violate HIPAA rules and regulations.
18. To report an incident, I can contact the Molina Healthcare AlertLine: 1-866-606-3889 or online at <https://molinahealthcare.alertline.com>. I can also send Molina an email with the HIPAA report to HIPAAincidentreporting@molinahealthcare.com.

I understand and agree to the foregoing HIPAA compliance standards.
