

October 14, 2026

Peter Nelson, Director
Center for Consumer Information and Insurance Oversight
Centers for Medicare and Medicaid Services
Department of Health and Human Services
7500 Security Boulevard
Baltimore, MD 21244-1850

Dear Director Nelson:

We write on behalf of the National Association of Insurance Commissioners and its members, the primary regulators of health insurance carriers and insurance agents and brokers in the states. We have significant concerns about the recent moratorium the Federal government placed on new agent and broker agreements to sell coverage through the Federally-Facilitated Marketplace and State-Based Marketplaces that use the federal platform. Given that open enrollment begins in just a few weeks, we ask that these concerns be considered and resolved in a timely manner.

As your state partners in the enforcement of the Affordable Care Act, and as state officials with responsibility to protect consumers and our markets, we fully support CMS's goal of eliminating fraud. We have long partnered with CMS to shut down unauthorized sales and plan switching schemes, identify the entities responsible, and take appropriate administrative actions. However, we are concerned about the impact the recently announced moratorium could have on our markets. State regulators have raised these concerns with CMS staff, but due to the timeliness of this issue we now wish to raise them with you directly.

- **New Carriers in a Market.** New carriers are moving into or expanding their service areas in some states for plan year 2027. We trust you will agree this is a good thing. However, carriers serving new areas will need to ensure they have sufficient agent and broker support for their sales teams and call centers to sell their products through the Marketplace. State regulators are concerned that if carriers can only hire from the pool of agents/brokers who were approved to sell policies through the Marketplace in 2026, the carriers will not be able to meet the demand for assistance.
- **Existing Carriers.** Carriers who are already in the market typically staff up prior to the open enrollment period to ensure they have enough staff to assist consumers. Again, the moratorium could hinder their ability to hire enough agents/brokers with Marketplace registration to fill the open positions.

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- **Turnover.** Like other industries, there is often quite a bit of turnover in insurance agencies and brokerage firms. Retirements, departures, or changes in specialties can leave these entities with positions that need to be filled. The moratorium could leave some without the ability to backfill and could even lead to agent/broker deserts in some areas.

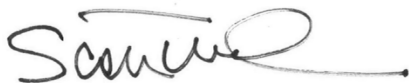
As you know, open enrollment begins very soon. As potential issues become real problems, state and federal agencies will need to work quickly to ensure consumers have the assistance they need to make appropriate coverage choices. ***We ask that CMS establish a method for state regulators, health insurance carriers, and insurance agencies and brokerages to appeal to CMS for an exception to the moratorium.***

Those new agents/brokers who may have had fraudulent intentions would still be blocked, but those who are needed to assist consumers would be allowed to do their job.

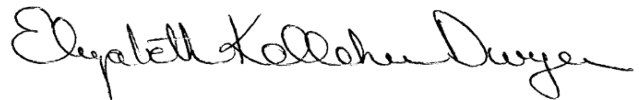
On a related note, we thank you for CMS's improved communications with state regulators on agent/broker investigations and efforts to significantly enhance the timely sharing of information. We look forward to those efforts continuing and resulting in timely and thorough data exchange very soon. We also continue to ask that CMS prohibit its Enhanced Direct Enrollment entity partners from allowing the sharing of National Producer Numbers (NPNs), which is at the heart of unauthorized plan switching.

Thank you for your consideration. We look forward to your timely response and invite ongoing collaboration as CMS considers actions that impact state-licensed agents and brokers.

Sincerely,



Scott White
NAIC President
Commissioner
Virginia Bureau of Insurance



Elizabeth Kelleher Dwyer
NAIC President-Elect
Director
Rhode Island Department of Business Regulation



Jon Pike
NAIC Vice President
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Michael Wise
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