



**EXHIBIT A**

**COMMERCIAL SALES TABLE OF COMMISSION RATES**

Presbyterian shall pay Commissions to Producers and consultants on medical premiums paid to the company in accordance with the tables below. No Commissions will be paid on any individual or group contract for which the premium has not been rated to include Commission or compensation.

All Commissions will be paid by the end of each month for premiums received by the 15th day of that month. Commissions on premiums received after the 15th of the month will be paid the following month. This applies to first-year and renewals.

**Effective 01/01/2023 – 12/31/2024**

<b>Individual Plan and Small Group Commission Structure</b>		
<b>Tier</b>	<b>Member Threshold*</b>	<b>Individual Plans and Small Group groups 2-50 members</b>
<b>President</b>	400+	6% of premium
<b>Executive</b>	100 to 399	5% of premium
<b>Partner</b>	2 to 99	4% of premium
Groups 51+ will continue to be a negotiable percentage.		

**Effective 01/01/2025**

<b>Commission Structure</b>				
<b>Tier</b>	<b>Member Threshold*</b>	<b>Individual &amp; Family Plans or Small Group Level Funded</b>	<b>Small Group Fully Funded</b>	<b>Large Group (51+) Fully Funded or Level Funded</b>
<b>President</b>	400+	6% of premium	5% of premium	4% or negotiated
<b>Executive</b>	100 to 399	5% of premium	4% of premium	4% or negotiated
<b>Partner</b>	2 to 99	4% of premium	3% of premium	4% or negotiated

\*Member threshold includes all members with PHP or PIC (Medicare, Individual, Small Group, and Large Group)

The tier level is reviewed annually. The tier level will be applied to a Producer’s Individual Plan and Small Group commission the month following notification.



## **EXHIBIT B**

### **Presbyterian Medicare Advantage Programs**

This Exhibit B has been prepared in order to comply with the requirements and associated rules, regulations and guidance issued by CMS.

#### **Training**

Medicare Advantage regulations provide that for agents to solicit individuals to enroll in Presbyterian's Medicare Advantage Programs, they must:

- Be licensed and appointed
- Be trained and tested annually
- Achieve an 85% or higher on agent testing

Presbyterian has determined that those agents meeting these qualifications will be referred to as "Select Agents." Presbyterian's approved method of annual Medicare Advantage training is obtaining certification from America's Health Insurance Plans ("AHIP") or Gorman Health Group. A copy of the training certificate from either organization must be submitted to Presbyterian prior to receiving approval as a Select Agent. All product specific training will be provided directly through Presbyterian annually. Select Agents will be required to complete product-specific training prior to soliciting Presbyterian Medicare Advantage plans. Agents who do not pass the required product-specific test with a score of at least 85% will have three additional opportunities to re-take and pass the test with a passing score. Agents who do not pass the test with the required minimum score within four (4) attempts will not be granted an additional opportunity without a Sales Director's written approval.

Agents that do not complete the required training and pass the test will not be approved to solicit Presbyterian's Medicare Advantage Programs and will not be eligible for and will not receive any compensation from Presbyterian for either new or existing members enrolled in Presbyterian Medicare Advantage Programs.

#### **Compensation Structure**

Compensation is paid based on either Initial year or Renewal years as determined by CMS compensation requirements. Payments are calculated based on the January through December enrollment year. Payments are not based on enrollment years (rolling basis) other than January through December. For example, if a beneficiary's enrollment is effective on September 1, then the initial year for that beneficiary ends on December 31, even though the beneficiary has only been in the plan for four (4) months. In January of next year, Presbyterian will begin paying renewal compensation to the Select Agent.

Compensation will be paid for the following Presbyterian Medicare Advantage Plans:

- Presbyterian UltraFlex HMO-POS
- Presbyterian Senior Care HMO Plan 1, Plan 2 with Rx, and Plan 3 with Rx, and AssistPlus with Rx
- Presbyterian Dual Plus (PBP 004 and 006) \*non-commission counties include Chaves, Curry, Quay, McKinley, Roosevelt, San Juan
- Presbyterian Senior Care HMO-POS Employer Group Plan 4

#### **Initial Year Compensation**

- The initial year compensation amount for enrollments will be paid based on the CMS fair market value ("FMV") cut-off amounts published annually by CMS.

- The initial year compensation will be paid in full and not pro-rated. No other commission payment will be paid for the remainder of the calendar year. This initial year cycle will only be paid for enrollments which CMS has identified as “initial year”.
- When a member disenrolls during the initial compensation year, Presbyterian Health Plan will recoup the compensation paid to the Select Agent for the total number of months that the member was not on the plan.

### **Renewal Year Compensation**

- The renewal year compensation amount will be paid based at an amount that is 50% of the FMV published annually by CMS.
- The renewal year’s compensation begins January 1, or the month in which the member’s enrollment becomes effective, whichever comes first.
- Renewal compensation will be advanced for the months remaining in the year for new enrollments with Presbyterian. When a member disenrolls prior to the end of the compensation year Presbyterian Health Plan will recoup the compensation paid to the Select Agent for the total number of months the member was not on the plan.
- Renewal compensation will be paid if the member remains on Presbyterian.

### **Rapid Disenrollment**

Pursuant to Medicare Advantage regulations, Presbyterian will recover compensation paid when members disenroll within the first (3) months of enrollment. Select Agent agrees that if Presbyterian pays compensation to a Select Agent and subsequently discovers that the member was not enrolled for the required (3) month minimum, Presbyterian will be entitled to automatically recover all compensation that was paid to the Select Agent for such members and is expressly authorized by Producer to offset such amounts against any and all amounts otherwise owed by Presbyterian to Select Agent.

### **Referral Program**

The Referral Program will allow all Presbyterian appointed Producers to receive a payment of \$100 for referring a qualified Medicare Advantage beneficiary to Presbyterian for enrollment in one of Presbyterian’s Medicare Advantage plans. Producer’s using the Referral Program do not need to receive the required annual Medicare Advantage training. If an enrollment request is NOT approved by CMS or the member disenrolls before being on the plan (3) months, the Referral Fee will be charged back on future commissions. Refer to the Presbyterian Medicare Advantage Plans Broker Referral Program document for full details of the program.

### **Marketing**

Any marketing to be carried out by a Select Agent must be done in accordance with all applicable Medicare Advantage and/or Part D laws, CMS regulations, including CMS marketing guidelines, and all Federal health care laws (including civil monetary penalty laws). Select Agent will obtain from Presbyterian all appropriate marketing and enrollment materials. All information will be approved in advance by Presbyterian and CMS and may not be altered. Select Agents are required to provide each enrollee with CMS approved marketing materials. It is the Select Agent's responsibility to ensure the enrollee/authorized representative has a clear and thorough understanding of the covered benefits and how to access care as well as how to get assistance from Presbyterian Customer Service.

### **Third Party Marketing Organizations Requirements (“TPMO”)**

All Producers and Select Agents are classified by CMS as TPMOs. All Producers and Select Agents must comply with all TPMO CMS regulatory requirements, including but not limited to the following:

- Discloses to Presbyterian any subcontracted relationships used for marketing, lead generation, and enrollment.
- Records all calls with beneficiaries in their entirety, including the enrollment process.
- Reports to Presbyterian monthly any staff disciplinary actions or violations of any requirements that apply to Presbyterian’s Medicare Advantage plans associated with beneficiary interaction to the plan.
- Uses the TPMO disclaimer as required under § 422.2267(e)(41).

- When conducting lead-generating activities, either directly or indirectly for Presbyterian Medicare Advantage plans, must, when applicable:
  - (i) Disclose to the beneficiary that his or her information will be provided to a licensed agent for future contact. This disclosure must be provided as follows:
    - (a) Verbally when communicating with a beneficiary through telephone.
    - (b) In writing when communicating with a beneficiary through mail or other paper.
    - (c) Electronically when communicating with a beneficiary through email, online chat, or other electronic messaging platform.
  - (ii) Disclose to the beneficiary that they are being transferred to a licensed agent who can enroll them into a new plan.

### **Scope of Appointment**

A Scope of Appointment (SOA) is required for all one-on-one appointments, regardless of venue (i.e., home, telephone). During these appointments, discussions may only concern previously agreed upon products documented in the SOA, and may only market health-related products, and not, for example, annuities or life insurance.

The producer is required to either submit the SOA form with the enrollment form or agree to maintain a copy for ten (10) years. The SOA form must be made available upon request. Presbyterian Compliance conducts audits of SOA forms and will require Producers to provide a copy of the SOA within five business days of the request. Non-compliance with the SOA requirements will result in corrective action that may include chargeback of commissions paid and termination of appointment.

### **Retention of Members**

The producer will use their best efforts to retain members. The agent will notify Presbyterian of any complaints received by the member.

### **Captive Select Agents**

At its discretion, Presbyterian can appoint any Select Agent to a Captive Select Agent status. A Captive Select Agent agrees only to sell Presbyterian Medicare Advantage plans.

### **Agent of Record**

Presbyterian will accept Agent of Record (“AOR”) changes for existing Presbyterian Medicare Advantage (HMO, POS, and D-SNP-004) plan members, Presbyterian will pay Producers the CMS Fair Market Value (“FMV”) renewal commission. The commission will begin when the policy renews the following January.

The following guidelines must be met for a Producer to be assigned as AOR:

- Training requirements must be completed prior to accepting an AOR.
- In order for Producers to be a resource for our members, it is important that Producer are knowledgeable about Presbyterian’s Medicare Advantage plans, and that they are actively marketing them.

### **Code of Ethics**

Each individual who represents Presbyterian in any capacity must subscribe to the Presbyterian Code of Ethics, all CMS regulations, and any applicable laws.

All existing compensation structures and programs are hereby eliminated and replaced with this Exhibit B. Select Agent hereby understands and agrees that the agent shall not be entitled to any commissions or other compensation, either pecuniary or non-pecuniary, from Presbyterian except as expressly provided herein. Agent acknowledges that Presbyterian may, at any time, implement a new method of calculating or paying agent compensation.

Based on a Model of Care review, Presbyterian Dual Plus (HMO D-SNP) has been approved by the National Committee for Quality Assurance (NCQA) to operate a Special Needs Plan (SNP) through 2025.

Presbyterian Medicare Advantage plans include Presbyterian Senior Care (HMO) / (HMO-POS), Presbyterian Dual Plus (HMO D-SNP), and Presbyterian UltraFlex (HMO-POS).

Presbyterian complies with civil rights laws and does not discriminate on the basis of protected status including but not limited to race, color, national origin, age, disability, or sexual orientation or gender expression. If you need language assistance, services are available at no cost. Call (505) 923-5420, 1-855-592-7737 (TTY: 711).

ATENCIÓN: Si usted prefiere hablar en español, están a su disposición servicios gratuitos de ayuda lingüística. Llame al (505) 923-5420, 1-855-592-7737 (TTY: 711).

Díí baa akó nínízin: Díí saad bee yáníłti'go Diné Bizaad, saad bee áká'ánída'áwo'déé', t'áá jiik'eh, éí ná hóló, koji' hódíłnih (505) 923-5420, 1-855-592-7737 (TTY: 711).

For more information, visit <https://www.phs.org/nondiscrimination>.