

SHIIP Volunteer Counselor

PARTICIPATION REQUIREMENTS

A potential Volunteer Counselor must meet several requirements before being accepted into the SHIIP training.

They must:

- *not be, or have an immediate family member who is, an active insurance salesperson.*
- *have the ability to get along well with others.*
- *have a sensitive and caring attitude.*
- *have the willingness to learn and an ability to retain information relevant to health insurance provisions and claims filing procedures.*
- *have good written and oral communication skills.*

It is also very important that a SHIIP Volunteer Counselor or Coordinator never promote or degrade one insurance product or policy over another. SHIIP prides itself on being factual and unbiased. That means that it provides the information and allows the client/beneficiary to make the decisions.

Once accepted into the program, Volunteer Counselors are responsible for:

- successfully completing the SHIIP 24-hour basic training course that is conducted by a SHIIP Regional Manager;
- becoming a “Certified” SHIIP Volunteer Counselor;
- providing 40 hours of volunteer service per calendar year. Volunteer service includes training, counseling, enrollment assistance and outreach activities;
- attending all quarterly follow-up meetings throughout the year unless the County Coordinator has been contacted and notified of the absence in advance. Such absences will be considered “excused.” If a Volunteer Counselor has an excess of “unexcused” absences over the course of a year, he or she will be contacted by the Volunteer Manager to determine continued interest in the program. During these follow-up meetings, the SHIIP Regional Manager will review pertinent information and update the Volunteer Counselors on the most current issues;
- working with their County and/or Volunteer Coordinator to counsel clients/beneficiaries in their community on all topics covered in training. Counseling may include telephone calls, meeting with the client/beneficiary face-to-face, researching a topic or issue, contacting outside parties such as providers and insurance companies with the client’s/beneficiary’s permission, and assisting with claims filings;
- working with the County and/or Volunteer Coordinator in performing SHIIP outreach activities such as health fairs and speaking engagements;
- representing SHIIP in a professional manner; and
- completing SHIIP Activity Report forms (counseling and outreach) each time they participate in a counseling session or outreach event. Examples may include an informal discussion with a neighbor, a formal counseling session with a client/beneficiary or promotion of SHIIP services at a meeting. All of these can be counted as SHIIP activities! If a Volunteer Counselor stands up at the local senior center and announces that SHIIP Volunteer Counselors are available to counsel on health insurance concerns, this can be documented as outreach. **It is extremely important that all instances of counseling and outreach are documented with amount of counseling time, beneficiaries’ zip code(s) and whether you assisted them in enrollment for a coverage program. This information helps SHIIP verify that the money received from federal and state government is truly being used to help consumers and Medicare beneficiaries throughout our state. Neglecting to complete the SHIIP Activity Report forms following such sessions could potentially result in reduced funding for SHIIP and reduced opportunities for consumers and Medicare beneficiaries to get their health insurance concerns addressed.**

Confidentiality

Confidentiality is a priority for both the Volunteer Counselor and client/beneficiary. When clients/beneficiaries are counseled by any member of the volunteer staff, all information (medical, financial, and personal) provided by that client/beneficiary is absolutely confidential and should never be shared with anyone except on an "as needed" basis with physician offices, insurance companies, or governmental agencies with the permission of the client/beneficiary. While there may be value in sharing "case studies" with a group of Volunteer Counselors for clarification or learning purposes, it is crucial that, even in that closed setting, names and other personal identifiable pieces of information be omitted.

Volunteer Counselor confidentiality is also a priority. The County/Volunteer Coordinator is never to give out a Volunteer Counselor's address or phone number to a client/beneficiary. A Volunteer Counselor should be given the client's/beneficiary's information and make the initial contact. The Coordinator (either County or Volunteer) is responsible for following up with the Volunteer Counselor that met with the client/beneficiary to ensure that all needs were met.

SHIIP Volunteer Counselor and client/beneficiary information is not to be distributed to any third party for any reason. It is kept between the SHIIP State Office and the Coordinating Site.

Volunteer Counselor Liability Protection

A SHIIP Volunteer Counselor enjoys the same level of legal protection as would any other NC State employee. In the event that a Volunteer Counselor was sued in their role with SHIIP, the Department of Insurance would provide a defense and would be liable for the first \$500,000 in damages.

The "Defense of a State Employees Act", found in Article 31 A of Chapter 143 of the North Carolina General Statutes, provides that the State may defend employees in any civil action brought against the employee in his official or individual capacity "on account of an act done or omission made in the scope and course of his employment as a State employee." **See N.C.G.S. § 143-300.3.** This State shall refuse to provide a defense if the State determines 1) that the act or omission was not within the scope and course of the employee's employment as a State employee, 2) the employee act or failed to act because of fraud, corruption, or actual malice, 3) etc. See N.C.G.S. § 143-300.4.

N.C.G.S. § 143-300.6 makes it clear that the State shall pay a final judgment awarded in a court of competent jurisdiction against a State employee or the amount due under a settlement approved by the Attorney General's office. The unit of State Government by which the employee was employed shall make the payment. The State

While the above cited statutes by their terms apply only to State employees, Executive Order Number 48, executed by James B. Hunt on April 21, 1980, extends the protection of the "Defense of State Employees Act" to those individuals who serve as volunteers for State Agencies. The quote Executive Order Number 48:

"volunteers enrolled in service to State Agencies are recognized to be covered under Articles 31 and 31(a) of Chapter 143 of the General Statutes, governing tort claims against State Departments and Agencies, and the defense of State employees."

***SHIIP volunteer work often leads to a financial consequence for the client/beneficiary as a result of counseling. Therefore, it holds a high level of seriousness. Because of this, all members of the volunteer staff are considered extensions of the SHIIP paid staff and are, therefore, representatives of the Department of Insurance. While the Department does cover the volunteer's legal liability in this situation, it is still vitally important to act in a professional manner when dealing with clients/beneficiaries and to make every effort possible to ensure the accuracy of the information you share.**

For answers to any questions concerning this policy or a copy of the referenced statutes and Executive Order Number 48, please contact Carla Obiol, Deputy Commissioner of SHIIP, at 919/807-6900 or cobiol@ncdoi.net.

SHIIP Volunteer Staff Dismissal

SHIIP maintains the right to dismiss any member of the volunteer staff (County Coordinator, Volunteer Coordinator and Volunteer Counselor) who does not participate in the program in accordance with all responsibilities set forth by this SHIIP handbook. Justifiable causes for dismissal include, but are not limited to:

1. A SHIIP County Coordinator or Volunteer Counselor providing counseling on a topic for which formal classroom training was not provided;
2. A SHIIP County Coordinator or Volunteer Counselor providing opinions, both positive and negative, on companies offering insurance products; insurance issues or anything related to the health insurance arena;
3. A SHIIP County Coordinator or Volunteer Counselor refusing to provide adequate SHIIP services or creates a discriminatory environment based on gender, race, nationality, color, age, disability, religion, creed, or sexual orientation;
4. A SHIIP County Coordinator or Volunteer Counselor representing the North Carolina Department of Insurance in an unfavorable or unprofessional manner;
5. A SHIIP County Coordinator or Volunteer Counselor communicating with the media, with the exception of the SHIIP Monthly Consumer Column, in any form, such as an editorial or radio interview, for example, without the specific approval by the North Carolina Department of Insurance's Media Relations Division prior to dissemination, either print or airing;
6. A SHIIP County Coordinator or Volunteer Counselors profiting, in any way, from providing SHIIP services;
7. A SHIIP County Coordinator or Volunteer Counselor acting inappropriately based on reports of misconduct by clients/beneficiaries or other persons involved in SHIIP activities, which have been investigated and found to be factual;
8. A SHIIP County Coordinator or Volunteer Counselor failing to attend quarterly follow-up meetings and other mandatory sessions;
9. A SHIIP Volunteer Counselor repeatedly failing to respond to a County Coordinator's request for service by, for example, not returning phone calls;
10. A SHIIP Volunteer Counselor refusing to help a County Coordinator with counseling or outreach more than 5 times in a year without reasonable cause;
11. A SHIIP County Coordinator or Volunteer Counselor consistently providing inaccurate/outdated information to clients/beneficiaries and such is reported to SHIIP. A consequence of such an error may lead to a client/beneficiary making a less reasonable decision about their health insurance resulting in insufficient or wrong insurance coverage;
12. A SHIIP County Coordinator or Volunteer Counselor failing to maintain necessary documentation of activities and file necessary reports in a timely manner.

For all matters that disciplinary action is necessary between the North Carolina Department of Insurance's Seniors' Health Insurance Information Program (SHIIP) and a SHIIP Coordinator (County or Volunteer) or Volunteer Counselor two forms are taken: formal written warning and termination.

For the first instance, a formal written warning from the management of SHIIP will be issued and will state the reason for such a warning and state a suggestion for corrective action, if applicable. If the problem persists, SHIIP reserves the right to dismiss the volunteer staff from service permanently.

Pertaining to the two forms of discipline, prior to taking action, an investigation into the facts of the problem will be considered. The Coordinator (County or Volunteer) or Volunteer Counselor will also have an opportunity to discuss the incident with SHIIP management to offer insight.

The decisions of the SHIIP management are final. Any questions about this policy should be directed to Carla Obiol, Deputy Commissioner of SHIIP, 919/807-6900 or cobiol@ncdoi.net.