Benefits for Speakers of Other Languages

Ethics, Compliance and Suitability

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Introduction

General Announcements

Attendance Requirements

Agenda

Setting the Stage

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All course materials and associated content were created by **Futuro Sólido** and are designed to reflect applicable ethical, compliance, and suitability considerations relevant to insurance and benefits professionals.

Continuing Education (CE) credit for this course is issued by **NABIP**, an approved continuing education provider responsible for course approval, administration, and credit reporting.

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Content

INTRODUCTION

Module I

Regulatory Foundations: Why Compliance with LEP Needs Matters

Duration: 10 minutes

Module II

Risk Management and Suitability: Navigating Cultural and Linguistic Variables

Duration: 30 minutes

BREAK

Module III

Plan Design and Compliance: Structuring a Legally Sound Benefits Offering

Duration: 30 minutes

Module IV

Compliance-Ready Materials: Translation Pitfalls, Tools, and Legal Accountability

Duration: 30 minutes

CONCLUSION

Intro: Setting the stage…

- Story
- Paradigms
- Pillars of success
- LEP = Limited English Proficiency

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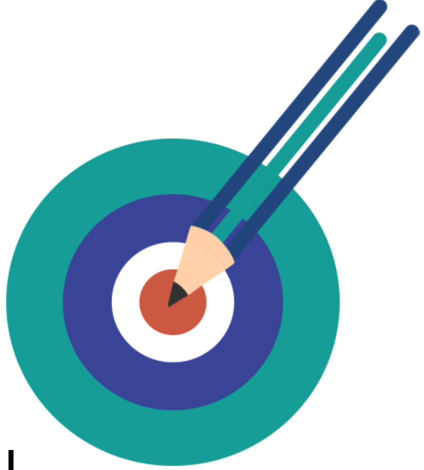
Module I

Regulatory Foundations: Why Compliance with LEP Needs Matters

Objective



To introduce the ethical, legal, and regulatory reasons why brokers should serve LEP employee populations appropriately; this is a compliance-aligned professional responsibility

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Module I

Regulatory Foundations: Why Compliance with LEP Needs Matters

Ethics and Transparency

- What are industry standards and responsibilities?
- Brokers have fiduciary responsibilities, with ethical and legal obligations
- Transparency ensures that employees of groups or individual clients (as the case may be) are given accurate, understandable information
- Ethical practice includes fair and equitable treatment of all employees / individual clients

...regardless of language proficiency

Module I

Regulatory Foundations: Why Compliance with LEP Needs Matters

Why Language Access Is a Compliance Issue

- Legal and ethical implications of failing to meet the needs of LEP employees / individual clients in benefits delivery
- LEP employees have a right to understand their benefits
- Title VI of the Civil Rights Act - prohibits discrimination based on national origin, including language barriers
- Providing information only in English may violate nondiscrimination laws and create liability, as can inaccurate, incomplete or misleading translations

Module I

Regulatory Foundations: Why Compliance with LEP Needs Matters

Consequences of Inadequate Support for LEP Employees

Compliance Risks When LEP Needs Are Ignored	
Regulatory complaints	Employees may file grievances with state departments of insurance, EEOC, or federal agencies
Plan misalignment	LEP employees may choose unsuitable plans, resulting in financial harm or unmet needs
E&O exposure	Misunderstandings stemming from language barriers can lead to liability for brokers
Dissatisfaction / Reputational Impact	Clients may lose trust in the broker's ability to meet the needs of a diverse workforce.

Regulators often stress that "lack of intent" does not excuse liability

Module I

Regulatory Foundations: Why Compliance with LEP Needs Matters

Consequences of Inadequate Support for LEP Employees

Even inadvertent lack of language support can result in legal exposure under federal law

Module I

Regulatory Foundations: Why Compliance with LEP Needs Matters

Understanding Your Professional Obligation

- Ensuring benefits suitability and informed consent isn't optional—it is mandated by legal, ethical, and professional standards
  - Unsuitability
  - Informed Consent Failure
- Brokers must ensure employees understand benefits options, not just receive documents
- This applies regardless of language spoken

Real life example:
LEP individuals often think that a deductible works the same way that it does with auto insurance: Once it is paid, the carrier covers everything else

Module I

Regulatory Foundations: Why Compliance with LEP Needs Matters

How Cultural and Language Gaps Lead to Non-Compliance

- Real-world risks when benefits decisions are made without full comprehension
- Cultural misunderstandings may distort benefits decisions
- Language barriers increase the chance of errors or under-enrollment
- Ignoring these gaps could be deemed negligence under E&O policies
  - Language and cultural competence are part of a prudent risk management approach

Real life example:
MEC+ (Minimum Essential Coverage Plus) misunderstanding by employee

Module I

Regulatory Foundations: Why Compliance with LEP Needs Matters

Best Practices to Reduce Risk and Enhance Compliance

Best practice	Regulation or Ethical Principal
Work only with carriers that offer vetted bilingual support	ACA §1557, Title VI
Verify that Summary of Benefits & Coverage (SBCs) are translated or interpretable for LEP employees	ACA & DOL SBC Requirements
Avoid using unqualified bilingual staff for benefits explanations	E&O standard of care; potential conflict of interest
Implement formal quality assurance on translated materials	Professional ethics & consumer protection laws
Document efforts to ensure understanding (e.g., scenarios, presenter)	Suitability obligations, E&O protection
Offer translated decision aids or follow-up support sessions	Executive Order 13166, ACA Section 1557
Train staff on cultural competency and language access obligations	Ethical standards, industry best practices

Module I

Regulatory Foundations: Why Compliance with LEP Needs Matters

Takeaway

Brokers will recognize that serving LEP employees is a core part of ethical, compliant, and suitability-focused practice.

Supporting informed benefits decisions for LEP employees enhances outcomes, strengthens client relationships, and helps minimize E&O (Errors and Omissions) exposure

Module II

Risk Management and Suitability: Navigating Cultural and Linguistic Variables

Objective

To help brokers identify how cultural values, language access gaps, and structural barriers contribute to compliance and suitability failures when serving LEP employees

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Module II
Risk Management and Suitability: Navigating Cultural and Linguistic Variables

Suitability and Misconceptions

- Challenging stereotypes and assumptions that can lead to unsuitable benefits offerings or communication breakdowns
- Serving this population ethically requires cultural and linguistic awareness - not just translation of words
- Avoid assuming bilingual employees fully understand benefits terminology or plan structures
- Cultural stereotypes (e.g., assuming certain groups "don’t value insurance" or "can't afford insurance") may result in unsuitable offerings
- Failure to meet the standard of suitability may lead to regulatory scrutiny or E&O (Errors and Omissions) exposure

Best Practice:
Confirm understanding using multiple tools (translated material, verbal explanation, visual aids, etc.)

Module II

Risk Management and Suitability: Navigating Cultural and Linguistic Variables

The Role of Cultural Values in Decision-Making

- Cultural influences often shape benefits decisions & how employees perceive value
  - Affecting health-related decisions, interactions with authority
  - Examples: collectivism & family-first values, powerlessness against the 'Will of God'
- Stigmas may exist around certain benefits like disability or mental health coverage
- Misalignment can occur if cultural norms are ignored, leading to confusion or underutilization
- Failure to recognize this can lead to confusion, disengagement, underutilization, or misuse of benefits

Best Practice:
Use culturally sensitive language and scenarios to explain benefits, and proactively address misconceptions

Module II

Risk Management and Suitability: Navigating Cultural and Linguistic Variables

The Role of Experience and Priorities in Decision-Making

- The experience of immigrants who have come from different systems will impact whether and how they choose to participate in benefits
    - In other countries, health care is expensive, but often costs can be managed if extended family chips in
    - Example: surgery for aunt / family contributes vs role of health coverage in spreading risk
- Latin American immigrants may feel that getting health care in their home country is a viable option if the need arises; the risks of this plan need to be addressed
- Reliance on Community Clinics in this country, without understanding their limitations

Best Practice:

-Become familiar with the background of the individual or group you are addressing

-Learn where they are currently getting health care

-Proactively address experiences

Module II

Risk Management and Suitability: Navigating Cultural and Linguistic Variables

Identifying Participation Barriers as Risk Factors

- Barriers may prevent informed decision-making
  - ❖ Language limitations
  - ❖ Unfamiliarity with U.S. benefits structure and systems
  - ❖ Past negative experiences with healthcare
  - ❖ Stories (whether true or not) of fellow community members' negative experience with health insurance
    - Power of rumors can be stronger than power of an expert

Limited English proficiency without support violates principles under Title VI of the Civil Rights Act and ACA Section 1557

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Module II

Risk Management and Suitability: Navigating Cultural and Linguistic Variables

Why Trust Is a Compliance Strategy

- Cultural competency and trust-building are not just ethical—they are essential tools for ensuring informed enrollment and preventing regulatory violations
- Brokers must go beyond translation—trust-building is key to regulatory compliance and informed consent
- Trust reduces the risk of complaints and enhances benefits utilization
- Lack of transparency or cultural awareness may lead to legal action or plan disenrollment

Best Practice:
Prioritize clarity, honesty, and respect in every interaction. This includes appropriate responses in the preferred language when using plans, not just at enrollment

Module II

Risk Management and Suitability: Navigating Cultural and Linguistic Variables

Understanding the Impact on Plan Selection and Utilization

- Cultural and linguistic barriers may lead to under-enrollment or inappropriate plan choices - unsuitable plans if they don't understand coverage details, increasing compliance and suitability risk for brokers

Best Practice:
Use sample claims, cost calculators, scenarios, video illustrations, or visual timelines to explain how plans function

Module II

Risk Management and Suitability: Navigating Cultural and Linguistic Variables

Misunderstanding Leads to E&O – Example

- An LEP employee misunderstood short-term disability as wage garnishment
  - The employee disenrolled, later needed the benefit, and filed a complaint
  - The broker failed to verify understanding — leading to E&O exposure and reputational damage

Takeaway

Miscommunication with LEP employees can trigger compliance failures and financial liability

Misunderstanding ← **Risk Spectrum** → Regulatory Enforcement

Module II

Risk Management and Suitability: Navigating Cultural and Linguistic Variables

Best practices to reduce risk and enhance compliance

Conduct a cultural and linguistic needs assessment	▪ Work with your client to identify the LEP populations they serve, as well as enrollment metrics ▪ Use demographic and employee feedback data to tailor benefits education
Avoid Assumptions	▪ Don't assume literacy, familiarity with U.S. benefits, or access to bilingual support at home ▪ Avoid stereotyping - verify with facts and engagement
Use Plain-Language, Culturally Aware Materials	▪ Translate not just words, but meaning and intent ▪ Use proven translation resources with a track record in communicating benefits material accurately and consistently ▪ Respect cultural differences in decision-making (e.g., family-oriented priorities or stigma about certain benefits)
Vet and Train All Support Staff	▪ Ensure presenters, interpreters or bilingual team members are trained in benefits terminology and confidentiality standards
Create Clear Records of LEP Accommodations	▪ Ethics & consumer protection laws

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Module II

Risk Management and Suitability: Navigating Cultural and Linguistic Variables

Takeaway

Brokers will learn to view cultural and language dynamics not as “soft skills” but as critical elements of their duty to ensure plan suitability and protect against regulatory and liability risks

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Benefits for Speakers of Other Languages

Ethics, Compliance and Suitability

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10 minutes

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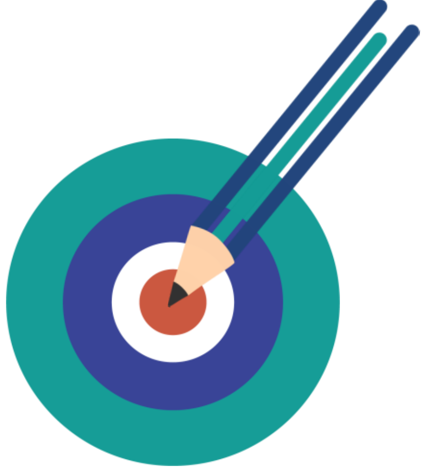
Module III

Plan Design and Compliance: Structuring a Legally Sound Benefits Offering



Objective

To guide brokers in designing benefits structures that align with legal standards, client needs, and employee comprehension *minimizing E&O risk and maximizing regulatory compliance*

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Module III

Plan Design and Compliance: Structuring a Legally Sound Benefits Offering

Plan Design with Language Access in Mind

- Plan offerings must be understandable to employees. If people do not understand what they are enrolling in, the offering is neither suitable nor ethical
- Brokers must ensure that benefits materials and platforms support informed decision-making — particularly for LEP populations

Best Practice:

Ensure all summary plan descriptions, benefits guides, and enrollment tools are available in languages your clients' employees understand. Employ rigorous and reliable QA processes for document translation. Choose ONE translation resource to ensure consistency of terms.

Module III

Plan Design and Compliance: Structuring a Legally Sound Benefits Offering

Carrier/Partner Vetting for Compliance Support

- Selecting vetted high-quality insurance carriers and other partners that provide language accessible resources, legal disclosures, and customer support to mitigate compliance risks
- Mismatched terminology between English and translated versions may mislead or confuse LEP employees
  - What would happen if a carrier used a different word in English instead of “deductible”---with no context or explanation? This happens all the time in translated benefits communication
- Failure to verify carrier resources may constitute broker negligence under professional standards

Real life example:
'Primary Care Provider' informally translated into Spanish 5 different ways leads to confusion and inappropriate understanding of how medical plans are to work. It happens all the time. If we have one term in English, why is it ok to use a variety of terms in other languages?

Module III

Plan Design and Compliance: Structuring a Legally Sound Benefits Offering

Defining Stakeholder Roles to Avoid Liability

- Clear roles and responsibilities must be defined between brokers, employers, and any bilingual staff or external service providers involved in benefits education and enrollment
- Brokers should ensure they are not relying on unqualified personnel or allowing bilingual staff or on-site influencers to operate outside their scope of authority, as this can lead to miscommunication, regulatory non-compliance, potential conflicts, or violations of nondiscrimination statutes — each of which can trigger Errors and Omissions (E&O) exposure
- Brokers relying on client-side interpreters may expose themselves to E&O liability if misinformation is conveyed
- Also risks working with people who give insurance advice without a license and then collecting commission for this. This is VERY illegal. You need to be very sure that what is being communicated is completely accurate. Relying on someone who does not answer directly to you and is not directly invested in the success of your plans is EXTREMELY risky

Best Practice:
Document roles in writing. Only qualified individuals, WHO ANSWER TO YOU should handle benefits education / translation support

Module III

Plan Design and Compliance: Structuring a Legally Sound Benefits Offering

Setting the Stage for Ongoing Support

- Post-enrollment structures must be considered in advance to maintain compliance and reduce liability exposure
- Solutions and resources must be offered in a format that is accessible technologically as well as linguistically
  - Example: if a navigation app itself is translated appropriately, but the directions to use it are not, this clearly presents a risk which could be material

Best Practice:

- Offer access to bilingual representatives, translated materials, and follow-up sessions throughout the year, not just during Open Enrollment
  - This access ensures that employees have the opportunity to address questions or concerns, and reduces the likelihood of misunderstandings or dissatisfaction, which can lead to inappropriate care, poor health outcomes, regulatory scrutiny, or compliance issues

Module III

Plan Design and Compliance: Structuring a Legally Sound Benefits Offering

Regulatory Frameworks to Know

- Brokers should be familiar with regulatory guidelines that affect LEP populations, including both Federal and applicable state-specific rules, insurance department bulletins or language access laws

Module III

Plan Design and Compliance: Structuring a Legally Sound Benefits Offering

Relevant Federal Regulations & Legal Standards

Title VI of the Civil Rights Act of 1964

What it says: Prohibits discrimination based on national origin by entities receiving federal financial assistance.

How it applies: Employers or carriers receiving federal funds (e.g., through Medicaid/Medicare, ACA subsidies) must provide meaningful access for LEP individuals, including translated materials and interpreter services.

Broker Takeaway

Brokers must ensure carriers or plan sponsors are complying and avoid placing clients at risk of regulatory violations.

Module III

Plan Design and Compliance: Structuring a Legally Sound Benefits Offering

Relevant Federal Regulations & Legal Standards

Affordable Care Act (ACA), Section 1557

What it says: Prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in certain health programs or activities.

Language access requirement: Plans and providers must take "reasonable steps" to provide meaningful access to individuals with LEP, including translated documents and language assistance services.

Broker Takeaway

Presenting English-only materials or failing to help clients accommodate LEP employees can constitute a compliance failure.

Module III

Plan Design and Compliance: Structuring a Legally Sound Benefits Offering

Relevant Federal Regulations & Legal Standards

Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency)

Agency guidance: Requires federal agencies and organizations receiving federal funds to provide language access to LEP individuals.

Broker Takeaway

Many benefits plans indirectly involve federal oversight (e.g., ACA-exchange plans, ERISA-covered plans with COBRA, etc.), making this EO relevant for ensuring accessibility.

Module III

Plan Design and Compliance: Structuring a Legally Sound Benefits Offering

Relevant Federal Regulations & Legal Standards

NAIC Suitability in Insurance Transactions Model Regulation

What it says: Requires agents to make suitable recommendations based on customer understanding, needs, and circumstances.

Broker Takeaway

It is impossible to meet the suitability standard if the individual cannot understand the product being offered, or how to use it appropriately, due to language or literacy gaps.

Module III

Plan Design and Compliance: Structuring a Legally Sound Benefits Offering

Relevant Federal Regulations & Legal Standards

Errors & Omissions (E&O) Liability Risk

How it applies: Brokers may be held liable if an LEP employee is enrolled in a plan they didn't understand, leading to financial harm.

Broker Takeaway

Documentation alone does not protect against E&O claims—**comprehension matters**.

Module III

Plan Design and Compliance: Structuring a Legally Sound Benefits Offering

RESEARCH FURTHER APPLICABLE REGULATIONS IN THE STATE(s) WHERE YOU ARE LICENSED

Many states (*e.g.*, *California*, *Texas*, *New York*, *Florida*) have their own insurance department bulletins requiring language-appropriate disclosures, notices, or sales materials

Module III

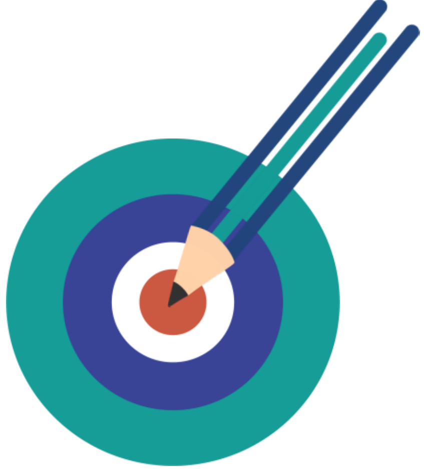
Plan Design and Compliance: Structuring a Legally Sound Benefits Offering

Takeaway

- Brokers will leave with a clear roadmap to design benefits offerings that are structurally compliant and appropriate for LEP employees
- By aligning with legal and regulatory requirements, brokers can better serve both their clients and their employees while protecting themselves from potential liabilities, including E&O exposure

Module IV

Compliance-Ready Materials: Translation Pitfalls, Tools, and Legal Accountability



Objective

To educate brokers on how to produce and distribute benefits materials that meet regulatory standards and protect against E&O (Errors and Omissions) risks when serving LEP employees

Module IV

Compliance-Ready Materials: Translation Pitfalls, Tools, and Legal Accountability

Translation ≠ Comprehension

- Translating text is not the same as ensuring understanding. Direct translation does not satisfy the legal or ethical benchmark for informed consent or enrollment
- Materials must empower employees to understand their options clearly. Brokers should take appropriate steps to reinforce comprehension and reduce suitability risk
- Under ACA Section 1557 and Title VI, benefits information must be conveyed in a way that LEP employees can meaningfully understand
- Relying on automated translation without professional, linguistic human review is tantamount to having ChatGPT produce your Benefits Guide, without having a professional benefits expert review it
- Relying on multiple translation resources for different communication pieces jeopardizes clarity and consistency, as terms will not be translated the same way each time they appear. This would never be permitted in English, and it is an egregious breach of ethics when it is permitted in other languages

Module IV

Compliance-Ready Materials: Translation Pitfalls, Tools, and Legal Accountability

Legal Exposure from Inaccurate and Misleading Translations

- Inaccurate, incomplete, or culturally inappropriate translations can result in employees misunderstanding eligibility, coverage limits, exclusions or costs—leading to disenrollment, complaints, or claims. These materials can trigger regulatory scrutiny, damage employer relationships, or expose brokers to E&O liability
- OCR (Office for Civil Rights) guidance under ACA Section 1557 identifies flawed translation as a barrier to access and a potential civil rights violation
  - ❖ Even a single word error (e.g., mistranslating “dependent”) can create confusion and financial harm to the employee

Best Practice:
Establish a translation quality control process. Use reputable agencies with linguistically certified professionals familiar with insurance & benefits terminology – preferably ones that have a strong industry track record

Module IV

Compliance-Ready Materials: Translation Pitfalls, Tools, and Legal Accountability

Investing in Professional Translation: Quality of Translated Communication should Reflect Quality of English Communication

- The cost of accurate and clear translation is an investment in protection for a broker and their clients
- Confusing or inaccurate translations are lower quality materials, and can lead to misunderstanding (sometimes egregious). The message is that employees with limited English are an afterthought
- Brokers should use vetted translation services that implement quality assurance processes, in the same way they do with English documents, to ensure compliance, minimize risk, and meet ethical standards
- High-quality translations reduce liability and demonstrate commitment to equitable service — especially in regulated industries like insurance & benefits

Module IV

Compliance-Ready Materials: Translation Pitfalls, Tools, and Legal Accountability

Do Not Delegate to Inappropriate Sources

- Relying on bilingual employees or untrained bilingual staff to prepare or translate materials is inappropriate
  - Compare asking an English speaker with a 6th grade level of education to prepare your English materials
- These individuals may unintentionally misrepresent and/or introduce errors, miss legal terminology, or create confusion that results in non-compliance or legal action
- In addition, it can put a strain on the client's relationship with their employees, which is a significant disservice
- It is also a considerable breach of ethics to ask your client and their employees to take on tasks that are part of your job description
- In the worst case, a conflict of interest can exist which would constitute a very problematic breach of ethics, particularly if the employee presenting the benefits does not actually believe they are of value

Best Practice:

The same high standard that is used for English communication should be applied to other languages

There is a difference between being able to have a conversation and produce professional written documents. What credentials do we require of people who represent and our brand our services in English? The same standards need to be upheld for other languages

Module IV

Compliance-Ready Materials: Translation Pitfalls, Tools, and Legal Accountability

The Importance of Scenarios

- Providing a use-case scenario that illustrates the plan design offered protects brokers from complaints and legal action
- Numbers are a universal language, so it is much harder for an employee to claim that information was withheld or, if provided, was misleading, when they have been given a visual mathematical calculation as to how their out-of-pocket costs will accumulate
  - Employees retain more when shown real-life examples or cost calculations they can relate to
  - Visualizing out-of-pocket costs or deductibles helps reinforce understanding across language barriers

Module IV

Compliance-Ready Materials: Translation Pitfalls, Tools, and Legal Accountability

What Could Go Wrong

- Real stories and implications
  - A bilingual supervisor inaccurately told a group that “the plan covers everything.” Who is liable when those employees get a bill?
- When misunderstandings occur, regulators often examine the broker’s role in ensuring clarity and compliance.

Real life example:
A bilingual supervisor discouraged participation, saying, "You really don't have to enroll. It's not required." Who is liable when an employee needs medical care and winds up with a crippling debt?

Best Practice:
Document all employee-facing materials and disclosures. Avoid making simplifications that are not substantiated in the plan. Develop rigorous standards for anyone communicating your benefits in another language

Module IV

Compliance-Ready Materials: Translation Pitfalls, Tools, and Legal Accountability

Takeaway

Brokers will understand how to develop benefits materials that satisfy legal standards and reduce E&O exposure, ensuring that LEP employees can make informed, suitable decisions aligned with their needs and rights

Conclusion

Watch your email!

Attendees will receive an email with

- instructions to complete the required comprehensive final exam to earn the **NABIP Certification**
- a state certificate of completion confirming that their **CE credits** have been posted to their license transcript
  (when credit was requested and the attendee was eligible for credit)

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Insurance CE Credit

If you were logged into the program for the entire presentation **AND** you answered all polling questions, you have now earned **2 credits** towards your insurance continuing education requirement for your license.

Your Certificate of Completion will be delivered to you via email from processing@nabiptraining.org

Also, if you wish to complete one, a **course evaluation** is available upon request.

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Testing for Certification

50 multiple choice questions

Watch your email for confirmation to access the final exam and complete your certification. Once you are eligible to take the exam, this link will be available on your My Courses dashboard at www.nabiptraining.org

Passing grade: 70%
(31 correct questions)

Exam Eligibility Requirements:

- ✓ Full Attendance of SLBE* Part 1
- ✓ Full Attendance of SLBE* Part 2

*SLBE: Spanish Language Benefits Education

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Q & A

Benefits for Speakers of Other Languages

Ethics, Compliance and Suitability

2 Credits (CE)

Thank you!

Benefits for Speakers of Other Languages

Ethics, Compliance and Suitability

2 Credits (CE)

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