



Tips for Assisters on Working with Outside Organizations



August 2023

This information is intended only for the use of entities and individuals certified to serve as Navigators, certified application counselors, or non-Navigator personnel in a Federally-facilitated Marketplace. The terms “Federally-facilitated Marketplace” and “FFM,” as used in this document, include FFMs where the state performs plan management functions. Some information in this manual may also be of interest to individuals helping consumers in State-based Marketplaces and State-based Marketplaces using the Federal Platform. This material was produced and disseminated at U.S. taxpayer expense.

CSG-202308

Agenda

- Required and Optional Referrals
- Working with Agents and Brokers
- Rules for Working with Outside Organizations
- Tips for Identifying Organizations for Partnership or Collaboration
- Knowledge Checks



A Note about this Presentation

- This presentation addresses specific requirements, guidelines, and best practices for Navigators and certified application counselors (CACs), collectively referred to as “assisters” or “you” in this presentation, in Federally-facilitated Marketplaces (FFMs, also known as Exchanges or FFEs).
- The terms “Federally-facilitated Marketplace” and “FFM,” as used in this presentation, only include Marketplaces operated by the Federal Government.
- By “outside organizations,” we mean organizations that are not other assister organizations or Department of Health & Human Services (HHS) entities such as CMS Regional Offices.
- Assisters should be aware that other state or federal laws that are not discussed in this presentation might apply to their relationships with outside organizations.

Required Referrals: Consumer Grievances, Complaints, and Questions About Health Coverage

- When consumers need additional assistance with grievances, complaints, or questions about their health plan, coverage, or a plan or coverage determination, Navigators must provide referrals to:
 - An applicable office of health insurance consumer assistance.
 - Health insurance ombudsmen.
 - Other appropriate state agency or agencies.
- As long as CACs have sufficient knowledge to make these types of referrals, they may, but are not required to, provide them.



Required Referrals: Other Assisters, the Marketplace Call Center, or Other Resources

- Navigators in FFM's are also required to provide information (at no cost to the individual) in a manner that is culturally and linguistically appropriate to the needs of the population being served by the Marketplace, including:
 - Providing information accessible to individuals with Limited English Proficiency (LEP).
 - Providing information accessible to individuals with disabilities, including providing program access, reasonable modifications, and taking appropriate steps to provide effective communication.
- Navigators in FFM's must also:
 - Acquire sufficient knowledge to refer people with disabilities to local, state, and federal long-term services and support programs when appropriate.
 - Seek advice or experts when needed to ensure they are able to work with all individuals regardless of age, race, religion, disability, sex, sexual orientation and gender identity, or culture.

Required Referrals: Other Assisters, the Marketplace Call Center, or Other Resources (Cont.)



- CACs must provide information in a manner that is accessible to individuals with disabilities either directly or through an appropriate referral to a Navigator or the FFM Call Center.
- CACs should provide appropriate referrals to geographically accessible Navigators and/or the FFM Call Center if the CAC is unable to assist a consumer with LEP.
- If a CAC organization that receives federal funds to provide services to a defined population (and limits provision of CAC services to that population) is approached for CAC services by an individual not included in the defined population, it must refer the individual to other Marketplace-approved resources that can provide assistance.

Required Referrals: Consumer Questions About Certain Tax Topics

- Assisters are not allowed to provide tax advice to consumers in their role as assisters. If a consumer requests tax assistance, assisters should refer them to a local Volunteer Income Tax Assistance (VITA) program, Tax Counseling for the Elderly (TCE) program, or a reputable tax advisor.
- As a reminder, Navigators are required to educate consumers, when applicable, about the need to file taxes in order to reconcile their APTCs, on how to request a revised 1095-A, or how to access their 1095-A, or explain tax related information they receive from the Marketplace.
- CACs may, but are not required to, provide these types of referrals, if they have sufficient knowledge.



Referrals: Consumer Questions About Certain Tax Topics

- You should be familiar with the following tax resources:
 - [HealthCare.gov/taxes](https://www.healthcare.gov/taxes).
 - The Volunteer Income Tax Assistance (VITA) program offers free tax help to people who make up to a certain amount of money (\$60,000 or less), persons with disabilities, and limited-English-speaking taxpayers. To find the income threshold and a provider in the consumer's area, visit [IRS.gov/individuals/free-tax-return-preparation-for-qualifying-taxpayers](https://www.irs.gov/individuals/free-tax-return-preparation-for-qualifying-taxpayers).
 - The Tax Counseling for the Elderly (TCE) program offers free tax help for all taxpayers, particularly age 60 and older, specializing in questions about pensions and retirement-related issues unique to seniors. To locate the nearest VITA or TCE site, use the VITA tool or call 1-800-906-9887, or go to [IRS.treasury.gov/freetaxprep](https://www.irs.treasury.gov/freetaxprep).

Referrals: Consumer Questions About Certain Tax Topics (Cont.)

- You should be familiar with the following tax resources (continued):
 - Other licensed, certified, or accredited local or national federal tax return preparers. To identify tax return preparers in the consumer's area, use the IRS tool at [IRS.treasury.gov/rpo/rpo.jsf](https://www.irs.treasury.gov/rpo/rpo.jsf).
 - You should check that the tax professional's licensure, certification, or accreditation (as applicable) is in good standing before referring consumers to that person. You can also leverage existing relationships or develop new ones with tax professionals in your community, consistent with applicable requirements and prohibitions.

Required Referrals: Consumers' Questions Related to Marketplace Eligibility Appeals

- FFM Navigators are required to assist consumers in understanding the process of filing Marketplace eligibility appeals. CMS interprets this assistance with Marketplace eligibility appeals to include, where relevant to consumers' needs, providing information about free or low-cost legal help in the consumer's area, including local legal aid or legal services organizations and other state offices to help with the Marketplace eligibility appeals process.
- Here's a recommended resource to refer consumers to about appeals and the Marketplace:
[HealthCare.gov/marketplace-appeals](https://www.healthcare.gov/marketplace-appeals).



Referrals: Consumers' Questions Related to Marketplace Eligibility Appeals

- Navigators should have sufficient knowledge to refer a consumer to free or low-cost legal help in the consumer's area, such as:
 - Consumer Assistance Programs (CAPs). To find a CAP in the consumer's area, visit [CMS.gov/ccio/resources/consumer-assistance-grants](https://www.cms.gov/ccio/resources/consumer-assistance-grants).
 - Ombudsmen. A list of ombudsmen by state is available at [CMS.gov/Medicare-Medicaid-Coordination/Medicare-and-Medicaid-Coordination/Medicare-Medicaid-Coordination-Office/FinancialAlignmentInitiative/BeneficiaryCounselingandOmbudsmanPrograms](https://www.cms.gov/Medicare-Medicaid-Coordination/Medicare-and-Medicaid-Coordination/Medicare-Medicaid-Coordination-Office/FinancialAlignmentInitiative/BeneficiaryCounselingandOmbudsmanPrograms).
 - Other state agencies.
 - Legal aid services. To find legal aid services in the consumer's area, visit [LSC.gov/what-legal-aid/find-legal-aid](https://www.lsc.gov/what-legal-aid/find-legal-aid).
- CACs may, but are not required to, provide these types of referrals, if they have sufficient knowledge.

Optional Referrals



In addition to providing the required referrals previously mentioned in this presentation, you may find it helpful to provide consumers with other kinds of nonrequired or optional referrals. The chart on the next slide provides some general examples, but there may be other types of local organizations and services that you may wish to become familiar with.

Optional Referrals (Cont.)

Type of Outside Organization	Examples
Federal or state programs that offer health care, health coverage, or payment assistance or discounts related to health services	<ul style="list-style-type: none"> ▪ Your state Medicaid or CHIP agency ▪ The Veterans Affairs Health Benefits Program ▪ Medicare and State Health Insurance Assistance Program (SHIP) counselors ▪ Ryan White HIV/AIDS programs or AIDS Drug Assistance Programs for lower-cost prescription drugs
Organizations that specialize in disease- specific or local patient groups	<ul style="list-style-type: none"> ▪ American Cancer Society ▪ American Diabetes Association ▪ Alzheimer’s Association
Other local or community organizations	<ul style="list-style-type: none"> ▪ Homeless shelters ▪ Food banks ▪ LGBT community centers ▪ Churches ▪ Legal aid organizations ▪ Local colleges and universities
<p>Local businesses</p> <p><i>These types of businesses might allow you to leave outreach materials for their customers or to set up an information table to engage with customers about enrolling in coverage</i></p>	<ul style="list-style-type: none"> ▪ Coffee shops ▪ Malls ▪ Farmer’s markets ▪ Grocery stores

Working With Agents and Brokers

- Assistors must understand when it is appropriate to inform consumers about agent and broker services.
 - You should know how you can collaborate and engage with agents and brokers without violating assister legal requirements.
 - You may provide referrals to a general listing of agents and brokers if the consumer asks to work with an agent or broker, but assistors should not refer consumers to a specific agent or broker. Assistors may help a consumer with contacting a specific agent or broker after the consumer looks at a general listing of agents and brokers and selects a specific agent or broker to contact.
 - You may inform the consumers that agents and brokers as well as Navigators and CACs are also listed on Find Local Help at [Localhelp.HealthCare.gov](https://www.localhelp.healthcare.gov).
- **Reminder:** Agents and brokers are typically compensated by health insurance companies with whom they have a contract and are sometimes exclusively affiliated with a specific health insurance company to sell certain products. With the exception of web brokers, agents and brokers are not required by federal law to display all available QHPs to facilitate enrollment into all QHPs.

Working With Agents and Brokers (Cont.)

- Assistors can refer consumers and employers to Help On Demand, a real-time referral system that connects consumers with Marketplace-registered, licensed agents and brokers in their area who can assist them with plan selection and enrollment in individual health insurance coverage through the Marketplace or in Small Business Health Options Program (SHOP) coverage.
- Help On Demand is a CMS-contracted service developed and hosted by Help On Demand (formerly known as BigWave Systems). Help On Demand referrals are not provided by CMS or the Marketplace, and they do not constitute an endorsement by HHS or the U.S. Government of the individual agents or brokers. However, all participating agents and brokers must complete Marketplace training and registration, sign applicable agreements with CMS, and hold an active license for a health line of authority in the respective state in addition to completing Help On Demand training.
- For more information visit [CMS.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/Help-On-Demand-for-Agents-and-Brokers](https://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/Help-On-Demand-for-Agents-and-Brokers).
- Although not required when providing optional referrals or forming non-required partnerships with outside organizations, it is still a good practice to ensure (to the extent you are able) that the organization is providing unbiased, accurate, and up-to-date information to consumers.

General Rules for Providing Referrals

- When providing referrals that are required under CMS regulations, remember it is good practice to refer consumers to outside organizations that also provide fair, accurate, and impartial information. CMS considers state or Federal Government agencies; professionally licensed, accredited, or certified tax advisers and preparers; and licensed attorneys to meet this requirement.



General Rules for Providing Referrals (Cont.)

- As a best practice, assisters should inform consumers:
 - Whether the outside organization is registered with or approved or certified by the FFMs and if it is likely to be bound by the same legal requirements and prohibitions that apply to you and your organization, such as privacy and security requirements.
 - That the referral to an outside organization does not imply an endorsement of that organization by CMS.
- Additionally, assisters are required to act in consumers' best interests and are expected to consider consumers' expressed interests, needs, and desires when fulfilling their duty to provide fair, accurate, and impartial information.



General Rules for Working With Outside Organizations

- Assistors are generally permitted to collaborate with, make referrals to, and recommend the services of specific outside organizations.
- When doing so, assistors must make a good faith effort to determine that:
 - These referrals and collaborations are consistent with your duty to provide fair, accurate, and impartial information.
 - The outside organization does not have a prohibited conflict of interest such as a direct financial relationship with health insurance (or stop loss insurance) issuers or a financial incentive to enroll consumers into a specific health plan or coverage.
- Assistors should also clearly inform consumers:
 - Whether an outside organization is likely to be bound by the same legal requirements and prohibitions that apply to you and your organization, such as privacy and security requirements; and
 - That the referral to an outside organization does not imply an endorsement of that organization by CMS.



General Rules for Working With Outside Organizations (Cont.)

- To ensure that your referrals, collaborations, and partnerships are fair and impartial, assisters should apply the same list of objective criteria in selecting each organization you refer consumers to or partner or collaborate with.
- Whether you're making referrals or collaborating with a local community organization at an outreach or enrollment event, your work connecting individuals to organizations that help in areas outside your scope of work under an HHS contract or grant should be minimal and not result in additional funding requests under HHS grants or contracts.
- When working with outside organizations, any assister who is a part of a Navigator grant or a certified application counselor designated organization's (CDO's) legal agreement with CMS should follow:
 - The terms of its grant or legal agreement; and
 - All applicable federal and state regulations.



Prohibitions When Working With Outside Organizations

- Assisters **must not** accept payment in exchange for providing a referral or recommending the services of an outside organization.
- Assisters **may not** refer consumers to a specific agent or broker. Assisters may refer consumers to a general list of agents and brokers, as long as they do not endorse specific agents and brokers.



Tips for Identifying Organizations for Partnership or Collaboration

- Identify the subject areas in which a referral resource or partnership might be required or helpful.
- Develop a list of objective criteria for evaluating a potential resource and referral or collaboration partner to ensure you are providing fair and impartial referrals.
- Know your community.
- Identify and make a list of the organizations, businesses, and individuals in your community that can provide appropriate and helpful assistance to consumers.
- Get to know the potential outside organization.
 - Engage a wide variety of organizations who do similar work.
 - Expand your presence.



Knowledge Check #1

If I want to refer a consumer to a homeless shelter, may I refer the consumer to a particular one, or do I have to provide the consumer with a list of all the homeless shelters in their area?



Knowledge Check #1 Answer

Generally, you may refer a consumer to a specific homeless shelter as long as you follow the guidelines we've discussed, including:

- Ensuring that the referral is consistent with your duty to provide fair, accurate, and impartial information, including by ensuring that the shelter does not have a direct financial relationship with health insurance or stop loss insurance issuers or a financial incentive to enroll consumers into a specific health plan or coverage.
- Applying the same list of objective criteria in selecting the shelter that you apply when selecting any organization you refer consumers to or partner or collaborate with.
- You should also consider the best interests of the consumer and the consumer's expressed interests, needs, and desires.
- Not accepting payment in exchange for providing the referral.

Knowledge Check #2

Can an individual assister be trained to provide tax services under the Volunteer Income Tax Assistance (VITA) program?
Can an assister organization also serve as a VITA site?



Knowledge Check #2 Answer

- **Yes, as long as the assister and the assister organization keep their assister work separate from their tax preparation work.** Many assisters find it helpful to have VITA volunteers on site to provide assistance with the tax filing components of the premium tax credit reconciliation process, and some assisters are dually trained as assisters and VITA volunteers.
- However, **assisters may not provide tax advice or services in their capacity as assisters.** For example, assisters acting in their capacity as assisters should not help consumers fill out IRS forms or complete their tax returns. Where assisters are also tax professionals, they must keep these duties separate and not perform any tax assistance within their capacity as assisters or using HHS Navigator grant funds.

Resources

- In-person Assistance in the Health Insurance Marketplaces: [CMS.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/assistance](https://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/assistance)
- Outreach and Education Resources: [Marketplace.cms.gov/outreach-and-education](https://marketplace.cms.gov/outreach-and-education)
- Marketplace Assister Toolkit: [Marketplace.cms.gov/technical-assistance-resources/marketplace-assister-toolkit](https://marketplace.cms.gov/technical-assistance-resources/marketplace-assister-toolkit)