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**Date:** August 28, 2018

**From:** Jennifer Beeson, Director, Consumer Support Group

**Title: CMS Enrollment Assister Bulletin: 2018-01<sup>1</sup>**

**Subject:** Guidance Regarding Training and Certification for Navigators and Certified Application Counselors in the Federally-facilitated Exchanges

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## I. Purpose

In preparation for the Open Enrollment Period beginning November 1, 2018 for the 2019 plan year in the individual market, the Centers for Medicare & Medicaid Services (CMS) has updated the training curriculum for Navigators and certified application counselors (CACs) in the Federally-facilitated Exchanges (FFEs). In this bulletin, we refer to this updated training curriculum as the “2019 training” and refer collectively to Navigators, CACs, and CAC designated organizations (CDOs) as “assistants.” Similar to last year, the 2019 assister training will be delivered through the Marketplace Learning Management System (MLMS). In addition, a new supplemental training will be provided through an optional Assister Readiness Webinar Series.

This bulletin provides guidance on the training and certification requirements and procedures for Navigators, CACs, and CDOs in the FFEs.

## II. Certification Requirements for the Navigator Program in the FFEs

Before carrying out any required or authorized Navigator functions, Navigators in the FFEs must:

- 1) Complete training that has been approved by CMS
- 2) Achieve a passing score on all approved certification examinations
- 3) Obtain continuing education and be certified and/or recertified on at least an annual basis

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<sup>1</sup> This communication was printed, published, or produced and disseminated at U.S. taxpayer expense.

- 4) Meet any licensing, certification, or other standards prescribed by the State, if applicable, so long as such standards do not prevent the application of the provisions of title I of the Patient Protection and Affordable Care Act (PPACA).<sup>2</sup>

A shortened Navigator recertification training curriculum will not be offered this year due to the transition to a new grant period of performance. Accordingly, all Navigators in the FFEs must complete the full Navigator training curriculum in order to be certified by CMS. We streamlined this curriculum for all assisters and reduced the number of required courses for new and returning Navigators. The 2019 Navigator training will be available after awards for the 2018 Navigator FOA are announced in September.

**Period of Performance and Navigator Certification.** The 2015-2018 Navigator grant period of performance ends on September 12, 2018. On that date, the certification for all individual Navigators who were certified during the 2017-2018 budget period will expire. In order to perform any Navigator functions after September 12, 2018—either under a new CMS Navigator grant for the 2018-2019 period of performance or under a 2015-2018 CMS Navigator grant approved to temporarily continue operation through a no-cost extension of the period of performance—all FFE Navigators must successfully complete the entire 2019 Navigator training and be certified by CMS.

**Use of Navigator ID.** When registering for the 2019 Navigator training on the MLMS training platform, all individual Navigators should ensure that they register for and complete the 2019 Navigator training using the unique Navigator ID number assigned to them by the CMS Navigator grantee organization with which they are affiliated. These unique Navigator ID numbers will be made available to CMS Navigator grantee organizations following the announcement of grant awards for the 2018-2019 period of performance, and Navigators should not begin the 2019 training until after award announcements have been made. Navigators should use the unique Navigator ID number assigned to them in order to ensure that the Navigator certificate issued to them reflects their current ID number and their current affiliation with a CMS Navigator grantee organization.

Please note, the 2019 certification of any Navigator working for a CMS Navigator grantee organization that has received a no-cost extension of the period of performance under its 2015-2018 CMS Navigator grant, but has not received a CMS Navigator grant for the 2018-2019 period of performance, will expire on the same date the organization's no-cost extension ends.

**Who Can Claim to Be a Federally-certified Navigator.** We remind all CMS Navigator grantees that individual Navigators must not hold themselves out as Federally-certified Navigators, and must not carry out any Navigator functions (including outreach and education activities<sup>3</sup>), until

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<sup>2</sup> 45 CFR 155.210(c)(1)(iii) and 155.215(b)(1).

<sup>3</sup> See 45 CFR 155.215(b)(1). As noted in the preamble to the [2017 Payment Notice](#), “nothing in the Exchange regulations prohibits individuals who are not trained and certified as Exchange-approved Navigators, non-Navigator assistance personnel, or certified application counselors from conducting outreach about Exchanges and providing application and enrollment assistance. These individuals may of course conduct outreach and education

they have been trained and are certified by CMS. Additionally, individuals may not hold themselves out as Navigators, or perform Navigator functions in an FFE, unless they are affiliated with a current CMS Navigator grantee and have a current certification that accurately reflects that affiliation (or are themselves certified as a current CMS Navigator grantee).

### **III. Certification Requirements for the Certified Application Counselor (CAC) Program in the FFEs**

CMS regulations require that, prior to functioning as a CAC, all FFE CACs:

- 1) Successfully complete Exchange-approved training
- 2) Achieve a passing score on all Exchange-approved certification examinations
- 3) Obtain a certification from their CDO after successfully completing Exchange-approved CAC training
- 4) Meet any licensing, certification, or other standards prescribed by the State, if applicable, so long as such standards do not prevent the application of the provisions of title I of PPACA.<sup>4</sup>

CACs in FFEs must be recertified by their CDO on at least an annual basis, after successfully completing recertification training. CACs must also enter into an agreement with the CDO that meets the requirements specified at 155.225(d)(6).

#### ***Certification requirements applicable to CACs and CDOs in the FFEs***

CACs in the FFEs must take the full 2019 FFE CAC training to be certified by their CDO. Similar to last year, there is no abbreviated 2019 CAC recertification training.

CMS does not certify individual CACs. CDOs are responsible for certifying individual CACs who are associated with the CDO (as specified in the agreements between CMS and CDOs in the FFEs). To ensure that the CAC certification requirement is satisfied, CDOs in the FFEs should:

- Confirm that the individual who wishes to become a CAC has successfully completed certification training and continues to meet all other certification requirements
- Recertify existing CACs within one year of the date the organization issued the CAC's current certification.

***Training.*** We encourage CDOs in the FFEs to confirm that each of their CACs completes the 2019 CAC training prior to the start of the Open Enrollment Period for the 2019 plan year in the individual market, which begins on November 1, 2018, even if the CAC is not due for recertification. This will ensure that CACs have received the most up-to-date training to be

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about Exchanges as long as they do not represent themselves as Exchange-approved Navigators, non-Navigator assistance personnel, or certified application counselors.” 81 Fed. Reg. 12204, 12257 (Mar. 8, 2016).

<sup>4</sup> We encourage CACs and CDOs to review the standards applicable to CDOs and individual CACs under 45 CFR 155.225(d), including 155.225(d)(1), (d)(7), and (d)(8).

prepared to assist existing enrollees through the FFE redetermination and renewal process and to provide application and enrollment assistance during Open Enrollment.

**Use of CAC ID Number.** As a result of the CMS system updates to the CAC program<sup>5</sup>, all CDOs assisting consumers for Plan Year 2019 will be assigned a new organizational designation ID. After they receive their new ID, CDOs should discontinue use of their old CDO IDs and use their newly issued CDO ID for official purposes moving forward (to generate and issue CAC IDs, take the annual certification training, and enter on the Exchange Application when assisting consumers).

CACs should take the 2019 CAC training using their new CAC ID numbers, which will incorporate the CDO's new ID. CACs should not take the 2019 CAC training until they have received their new CAC ID numbers from their CDO organization. This will ensure that CACs' enrollments on HealthCare.gov are linked to the correct CDO organization. CACs should enter their new CAC ID number in the CAC ID field on the "Welcome to the MLMS" profile page. CACs in good standing may continue to assist consumers while awaiting their new CAC ID number.

#### **IV. Frequently Asked Questions**

- 1. As a 2015-2018 CMS Navigator grantee organization, if we receive a no-cost extension of the period of performance for our 2015-2018 grant, but are not awarded a new CMS Navigator grant for the 2018-2019 period of performance, does our staff still need to complete the 2019 Navigator training and become certified to keep working as Federally-certified Navigators after September 12, 2018?**

Yes. At the conclusion of the 2015-2018 CMS Navigator grant period, Navigator grantee organizations may receive a standard no-cost extension of the period of performance in 30 day increments, up to a maximum of 12 months. Individual Navigators working for a 2015-2018 CMS Navigator grantee organization that received a no-cost extension of the period of performance for their 2015-2018 grant, but did not receive a CMS Navigator grant award for the 2018-2019 period of performance, must complete the 2019 Navigator training in order to continue working as a Federally-certified Navigator after September 12, 2018, when their certification for the 2017-2018 budget period expires.

The certification after September 12, 2018 of any Navigator working for an organization that has received a no-cost extension of the period of performance under its 2015-2018 CMS Navigator grant, but has not received a CMS Navigator grant for a 2018-2019 period of performance, will end when the no-cost extension ends.

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<sup>5</sup> CMS is currently [refreshing](#) the CAC program by implementing an enhanced application and renewal process. The new application process will promote better engagement with our CDOs and provide the assister community with an improved user experience. ALL existing CDOs must reapply to continue participation in the CAC Program. Organizations that fail to reapply during the CAC Program re-application window will lose their CDO designation and will not be permitted to certify CACs or assist consumers as CDOs. To learn more about the CAC Program, click [here](#). To learn more about the CDO Refresh, click [here](#).

We remind all CMS Navigator grantees that new staff must not carry out any Navigator functions (including outreach and education activities)<sup>3</sup>, until they have been trained and are certified by CMS.

**2. We are a 2015-2018 CMS Navigator grantee and applied for the 2018 Navigator Funding Opportunity Announcement (FOA) as well. Should our existing Navigator staff complete the 2019 Navigator training during the summer, before new grant awards are announced, or must we wait until after the new grants are awarded to complete the 2019 Navigator training?**

The 2019 Navigator training will be available only after awards for the 2018 Navigator FOA are announced in September. 2015-2018 CMS Navigator grantee organizations that have applied for a CMS Navigator grant through the 2018 Navigator FOA will therefore have to wait to learn the outcome of their 2018-2019 CMS Navigator grant application before their staff proceeds with Navigator training and certification for activities following the end of the 2015-2018 grant period of performance.

There is no guarantee that 2015-2018 CMS Navigator grantees will receive another CMS Navigator grant for the 2018-2019 period of performance. The 2015-2018 Navigator grant period of performance ends on September 12, 2018, and the certification for all individual Navigators who were certified during the 2017-2018 budget period under an award for the 2015-2018 Navigator grant period of performance will expire on that date. Individual Navigators affiliated with organizations that received a 2015-2018 CMS Navigator grant, but that did not receive a no-cost extension of the period of performance of that grant, or a CMS Navigator grant for 2018-2019, should stop holding themselves out as FFE Navigators after September 12, 2018.

The certification after September 12, 2018 of any individual Navigator working for an organization that has received a no-cost extension of the period of performance under its 2015-2018 CMS Navigator grant, but has not received a CMS Navigator grant for the 2018-2019 period of performance, will end when the organization's no-cost extension ends.

In order to perform any Navigator functions after September 12, 2018—either under a new CMS Navigator grant for the 2018-2019 period of performance, or under a no-cost extension of the period of performance for the 2015-2018 CMS Navigator grant—all FFE Navigators will need to successfully complete the entire 2019 Navigator training and be certified by CMS.

We remind all CMS Navigator grantees that new staff must not carry out any Navigator functions until they have been trained and are certified.

**3. Will the 2019 training for Navigators and CACs in the FFEs be the same as the 2018 training?**

CMS has reorganized and streamlined the 2019 web-based certification training with an emphasis on those modules assisters need to carry out required assister duties. Some of the modules from previous years are still available for assisters to take as optional training. However, the number of modules required for completion of the training has been reduced.

As a supplement, CMS plans to introduce the Assister Readiness Webinar Series, a series of optional assister webinars that is intended as an intensive immersion program to prepare assisters for Plan Year 2019 Open Enrollment. Each week of the four-week program will focus on topics related to Exchange eligibility and enrollment, and assister duties and required competencies. At the beginning of each week, CMS will release a series of pre-recorded webinars that are related to that week's training topic for assisters to view at their convenience. The standing assister webinars held on Fridays will be used to provide high-level summaries of the information presented in each week's pre-recorded webinars, offer an opportunity for knowledge checks, and serve as an opportunity for assisters to ask questions about the week's topic.

**4. Will there be a shorter recertification course offering available this year for Navigators in the FFEs?**

No. Only one Navigator certification training curriculum will be offered for 2019 and all Navigators in the FFEs must complete it in order to be certified by CMS. A shortened Navigator recertification training curriculum will not be offered this year.

**5. What are the required FFE assister training courses for 2019? How many hours will be needed to complete the training?**

The list below outlines the 2019 FFE training courses for Navigators and CACs. FFE Navigators and CACs will be required to successfully complete all courses listed below to become certified. The amount of time it takes to complete the training will vary from person to person. CMS estimates it will take approximately 6-7 hours for FFE Navigators and CACs to complete the required web-based portion of the training:

- Training Overview
- Affordable Care Act Basics
- Privacy, Security, and Fraud Prevention Standards
- Marketplace Assister Essentials

**6. As an existing Certified Designated Organization (CDO) in an FFE, do I need to complete and return a new CMS-CDO Agreement each year?**

As part of the CMS updates to the CAC<sup>6</sup> program, all existing and new CDOs need to apply and execute a new CMS-CDO agreement before September 14, 2018. Once a CDO's application has been approved and it has executed a CMS-CDO new agreement, the agreement will expire two years from the date of execution and will need to be renewed if the CDO wishes to continue its CDO functions. CDOs that execute a new CMS-CDO agreement in 2018 will be due for renewal in 2020. As noted above, the model CMS-CDO agreement that CMS provided in each organization's welcome packet states that CMS-CDO agreement ends two years from the effective date, with certain exceptions.<sup>7</sup>

**7. As an existing Certified Designated Organization in an FFM, do I need to enter into a new agreement with our organization's CACs as part of their recertification?**

CMS regulations do not require CDOs to enter into a new agreement with their individual CACs as part of the recertification process. However, each CDO must ensure that its agreements with individual CACs are consistent with 45 CFR 155.225(d)(6) and the organization's agreement with CMS. In addition, a CDO may choose to enter into a new agreement with its CACs in accordance with the organization's own internal policies and procedures for overseeing the individual CACs it certifies.

In addition, a CDO in an FFE should ensure that any agreement it has with its CACs is in effect and has not expired. If the CDO's agreement with its CAC has expired, the individual CAC is no longer authorized to serve as a CAC, and the organization must enter into a new agreement in order for the individual to serve as a CAC again, as required by federal regulations at 45 CFR 155.225(d)(6).

**8. As an individual CAC in an FFE, what do I need to do to get certified by CMS?**

CMS does not certify or recertify individual CACs in the FFEs. Certification and recertification of individual CACs in FFEs is the responsibility of the FFE CDOs. Each FFE CDO must ensure that all CACs it certifies or recertifies have completed the necessary training requirements, consistent

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<sup>6</sup> CMS is currently [refreshing](#) the CAC program by implementing an enhanced application and renewal process. The new application process will promote better engagement with our CDOs and provide the assister community with an improved user experience. ALL existing CDOs must reapply to continue participation in the CAC Program. Organizations that fail to reapply during the CAC Program re-application window will lose their CDO designation and will not be permitted to certify CACs or assist consumers as CDOs. To learn more about the CAC Program, click [here](#). To learn more about the CDO Refresh, click [here](#).

<sup>7</sup> The exceptions to the model CMS-CDO agreement's two year term are when (1) thirty days (30) days' advance written notice of nonrenewal is provided by CMS to CDO under Section IV.1. of the CMS-CDO Agreement; (2) either Party terminates the CMS-CDO Agreement without cause and for its convenience upon at least thirty (30) days prior written notice to the other Party, where practicable; 3) CMS terminates the Agreement for cause pursuant to Section V.2. of the CMS-CDO Agreement; or 4) when CDO rejects an Amendment to the CMS-CDO Agreement pursuant to VII.8 of the CMS-CDO Agreement.

with the CDO's agreement with CMS. Individual CACs should check with the CDO they are affiliated with to learn how to report successful completion of required training.

Please remember that the official CAC certification is not issued by CMS or by the MLMS training website; it is issued only by the CDO with which the CAC is affiliated.

## **9. What steps should CDOs in an FFE take to certify or recertify their CACs?**

Organizations should do all of the following:

- Have a process in place for identifying individuals who want to be certified or recertified as CACs and evaluating their compliance with:
  - Federal rules governing the CAC program, as set forth in 45 CFR 155.225;
  - The terms and conditions of the CAC's agreement with the organization (for persons seeking recertification);
  - The organization's policies and procedures for its CAC activities; and
  - Any applicable state requirements that do not prevent the application of the provisions of title I of PPACA.
- Ask each person who is fully compliant with these criteria whether he or she is seeking to become certified/recertified.
- For individuals who would like to be certified/recertified:
  - Require that the individual disclose to the organization any relationships the individual has with qualified health plans or insurance affordability programs (e.g., Medicaid, CHIP), or other potential conflicts of interest, in accordance with 45 CFR 155.225(d)(2);<sup>8</sup>
  - Ensure that the individual takes the 2019 CAC training and provides the organization with proof of successful completion (e.g., the training certificate);
  - Enter into an agreement (or if necessary, a new agreement) with the individual that is consistent with 45 CFR 155.225(d)(6) (see FAQ #7 above); and
  - Issue a new official CAC certificate. This certificate should include an expiration date that is one year from the date of issuance.
- If a CDO is fulfilling its duty under 45 CFR 155.225(d)(2) to inform consumers of any relationships the organization has with qualified health plans or insurance affordability programs, or other potential non-disqualifying conflicts of interest, by providing this information to consumers through its individual CACs, then the CDO should disclose such relationships to its certified CACs. Each year, the organization should re-disclose

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<sup>8</sup> Organizations should be aware that 45 CFR 155.225(g)(2) establishes that an individual or entity is not eligible to become (or continue to serve as) a CAC or CAC designated organization if he or she receives any consideration directly or indirectly from a health insurance or stop loss insurance issuer in connection with the enrollment of any individuals in a QHP or non-QHP. In an FFM, however, no health care provider shall be ineligible to operate as a CAC or CAC designated organization solely because it receives consideration from a health insurance issuer for health care services provided.

such relationships to all its recertified CACs to ensure that this information is current when a CAC provides this information to consumers (See 45 CFR 155.225(d)(2) for disclosure requirements).

Organizations must not issue any CAC certifications or recertifications until all steps required for certification or recertification are completed, including ensuring that individuals take 2019 FFE CAC training and show proof of successful completion.

**10. If a CAC in an FFE informs a CDO that he or she does not wish to be certified or the organization decides not to certify the CAC, what steps should the organization take?**

The agreement between CMS and each CDO in an FFE requires the organization to have at least one staff member or volunteer certified as a CAC. In addition, CMS reserves the right to request the names and identification numbers of all CACs certified by the organization, pursuant to Section II.4 of the agreement between CMS and the CDO.

Once an individual CAC's certification or agreement has expired or has been withdrawn, the organization must comply with the provisions of its agreement with CMS that are triggered when an individual CAC's certification is withdrawn, including ensuring that consumer personally identifiable information is protected and that neither the organization nor the individual holds the former CAC out to the public (either orally or through written materials) as a CAC.

**11. What resources are available to assistors other than the required training?**

Beyond the web-based certification training and the optional Assister Readiness Webinar Series, CMS will continue to provide on-going technical assistance, including, for example, webinars and newsletters. These additional training opportunities will ensure that assistors in the FFEs are up-to-date on any policy changes or other relevant developments impacting Navigators and CACs in the FFEs, or the consumers they serve. We are continuing to identify and implement new ways for Navigators and CACs in the FFEs to better access and use the technical assistance information provided by CMS.

Any questions about the requirements included in this bulletin should be directed as follows:

- **Certified Application Counselors:** Please send your questions via email to [CACQuestions@cms.hhs.gov](mailto:CACQuestions@cms.hhs.gov).
- **Navigators:** Please contact your CMS project officer.