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**Date:** August 30, 2019

**From:** Leslie Wagstaffe, Acting Director, Consumer Support Group

**Title:** CMS Enrollment Assister Bulletin: 2019-01<sup>1</sup>

**Subject:** Guidance Regarding Training, Certification, and Recertification 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, 2019 for the 2020 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 (FFE). In this bulletin, we refer to this updated training curriculum as the “2020 training” and refer collectively to Navigators, CACs, and CAC designated organizations (CDOs) as “assisters.” Similar to last year, the 2020 assister training will be delivered through the Marketplace Learning Management System (MLMS), with supplemental training provided through an optional Assister Readiness Webinar Series<sup>2</sup>.

This bulletin provides guidance on the training, certification, and recertification requirements and procedures for assisters in the FFEs.

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

<sup>2</sup> You will receive information for accessing the Assister Readiness webinar series through an email from the CMS Assister Listserv. To sign up to receive assister newsletters and webinar call-in information, please send an email to the assister inbox at [ASSISTERLISTSERV@cms.hhs.gov](mailto:ASSISTERLISTSERV@cms.hhs.gov). If you are receiving information through the listserv, then no further action is required.

## II. Certification and Recertification Requirements for Navigators 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, and
- 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>3</sup>

**Training.** All new FFE Navigators must successfully complete the entire 2020 Navigator training in order to be certified by the FFE. Last year, we streamlined this curriculum for all assisters and reduced the number of required courses for new Navigators. Depending on specific factors, as explained below, some returning FFE Navigators who were certified during the 2018-2019 Navigator grant period of performance may be eligible to complete the abbreviated 2020 Navigator recertification training and then be recertified by the FFE.

Returning FFE Navigators are eligible to complete the abbreviated 2020 Navigator recertification training if **all** of the following criteria are met:

- 1) They were certified as an FFE Navigator during the 2018-2019 Navigator grant period of performance,
- 2) They were not decertified during the 2018-2019 Navigator grant period of performance, and
- 3) They are still affiliated with the same CMS Navigator grantee organization with which they were affiliated when they were certified during the 2018-2019 Navigator grant period of performance.

FFE Navigators who are eligible to complete the abbreviated 2020 Navigator recertification training will still have access to the full suite of 2020 Navigator training courses and may choose to complete additional training courses if desired.

**Period of Performance and Navigator Certification.** The 2018-2019 Navigator grant period of performance ends on September 11, 2019. On that date, the certification for

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<sup>3</sup> 45 CFR 155.210(c)(1)(iii) and 155.215(b)(1).

all individual Navigators who were certified during the 2018-2019 Navigator grant period of performance will expire. In order to perform any Navigator functions as of September 12, 2019—either under a new CMS Navigator grant for the 2019-2021 period of performance, or under a 2018-2019 CMS Navigator grant approved to temporarily continue operation through a no-cost extension of the period of performance—all FFE Navigators must successfully complete either the entire 2020 Navigator training or the Navigator recertification training, and be certified or recertified by the FFE. All Navigators who successfully complete either the full or abbreviated 2020 Navigator training will receive a Navigator certificate with an expiration date of October 31, 2020. This will help ensure that all Navigators successfully complete training and are recertified prior to the individual market open enrollment period for plan year 2021.

Please note, the 2020 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 2018-2019 CMS Navigator grant, but **has not** received a CMS Navigator grant for the 2019-2021 period of performance, will expire on the same date the organization's no-cost extension ends.

***Use of Navigator ID.*** When registering for the 2020 Navigator training on the MLMS training platform, all individual Navigators should ensure that they register for and complete the 2020 Navigator certification or recertification training using the unique Navigator ID number assigned to them by the CMS Navigator grantee organization with which they are affiliated. Navigators should use the unique Navigator ID number assigned to them to ensure that the Navigator certificate issued to them reflects their current ID number and their current affiliation with a CMS Navigator grantee organization.

***Who Can Claim to Be a FFE-certified Navigator.*** We remind all CMS Navigator grantees that individual Navigators must not hold themselves out as FFE-certified Navigators, and must not carry out any Navigator functions (including outreach and education activities<sup>4</sup>), until they have been trained and are certified by the FFE. 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

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<sup>4</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 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).

current certification that accurately reflects that affiliation (or are themselves a current CMS Navigator grantee).

### III. Certification Requirements for Certified Application Counselors (CACs) in the FFEs

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

- 1) Successfully complete FFE-approved training,
- 2) Achieve a passing score on all FFE-approved certification examinations,
- 3) Obtain a certification from their CDO after successfully completing FFE-approved CAC training, and
- 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 PPACA.<sup>5</sup>

CACs in FFEs must be recertified by their CDO on at least an annual basis, after successfully completing recertification training. CACs in the FFEs must take the full 2020 FFE CAC training to be certified by their CDO. Similar to last year, there is no abbreviated 2020 CAC recertification training.

The FFEs do 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). CACs must enter into an agreement with the CDO that meets the requirements specified at 45 CFR 155.225(d)(6).

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, and
- Recertify returning 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 2020 CAC training prior to the start of the Open Enrollment Period for the 2020 plan year in the individual market, which begins on November 1, 2019, even if the CAC is not

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<sup>5</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).

due for recertification. This will ensure that CACs have received the most up-to-date training to be prepared to provide application and enrollment assistance during Open Enrollment and assist enrollees through the FFE redetermination and renewal process. All CACs who successfully complete the 2020 CAC training will receive a CAC certificate of training completion with an expiration date of October 31, 2020, even if this date is more than one year of the date the organization issued the CAC's 2019 certification. This will help establish an annual training and certification cycle that is consistent with the individual market open enrollment period.

**Use of CAC ID Number.** Beginning in the summer of 2018, all CDOs approved to assist consumers for plan year 2019 and beyond were assigned new CDO organizational designation IDs. They were instructed to discontinue use of their old CDO IDs and use their newly issued CDO ID for official purposes moving forward (for example, to generate and issue CAC IDs, which CACs will use to take the annual certification training and enter on the Exchange Application when assisting consumers).

Prior to registering for the 2020 CAC training, returning CACs should ensure they are using a *current* CAC ID number (issued to them by their CDO for plan year 2019 or later). CACs **should not** register for the 2020 CAC training until they have confirmed with their organization that they are using a current CAC ID.<sup>6</sup>

New organizations that apply to become CDOs during CMS's 2019 Open Season<sup>7</sup> and are approved to operate as CDOs during plan year 2020 should instruct their CACs to wait to take the 2020 CAC training until **after** they have been issued a CAC ID number by their organization.

When registering for the 2020 CAC training, all CACs should enter their CAC ID number in the CAC ID field on the "Welcome to the MLMS" profile page. This will ensure that each CAC's enrollments on HealthCare.gov are linked to the correct CDO organization.

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<sup>6</sup> **Correct CAC ID Numbers** are formatted as follows: state abbreviation, followed by **CDO** and a unique number (i.e., MICDO00000000). If an ID contains **CAC**, it is invalid and the CAC should contact their organization for a new ID number immediately.

<sup>7</sup> **CMS's 2019 Open Season began June 12, 2019 and ends on September 16, 2019.** New organizations interested in providing CAC enrollment assistance to consumers for plan year 2020 must be CDOs and enter into an agreement with CMS. The 2019 CDO application can be found [here](#) and additional resources for interested applicants can be found [here](#). **Organizations that completed the CDO refresh process last year and received a new CDO identification number and a welcome packet do not need to reapply.**

## IV. Frequently Asked Questions

- 1. As a 2018-2019 CMS Navigator grantee organization, if we receive a no-cost extension of the period of performance for our 2018-2019 grant, but are not awarded a new CMS Navigator grant for the 2019-2021 period of performance, does our staff still need to complete the 2020 Navigator training and become certified to keep working as FFE-certified Navigators after September 11, 2019?**

Yes. At the conclusion of the 2018-2019 CMS Navigator grant period of performance, 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 2018-2019 CMS Navigator grantee organization that received a no-cost extension of the period of performance for its 2018-2019 grant, but did not receive a CMS Navigator grant award for the 2019-2021 period of performance, must complete the 2020 Navigator certification or recertification training in order to continue working as a FFE-certified Navigator after September 11, 2019, when their certification for the 2018-2019 period of performance expires.

The certification after September 11, 2019 of any Navigator working for an organization that has received a no-cost extension of the period of performance under its 2018-2019 CMS Navigator grant, but has not received a CMS Navigator grant for a 2019-2021 period of performance, will end when the no-cost extension ends.

We remind all CMS Navigator grantees that new staff must not carry out any Navigator functions (including outreach and education activities)<sup>8</sup>, until they have been trained and certified by the FFE.

- 2. Will the 2020 training for Navigators and CACs in the FFEs be the same as the 2019 training?**

For new Navigators and all CACs in the FFEs, the 2020 training will be similar to the reorganized and streamlined web-based certification training that CMS released last year—with a continued emphasis on those modules assisters need to carry out the

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<sup>8</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 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).

required assister duties. Returning FFE Navigators who meet the requirements outlined above in *Section II*. will be eligible to complete a shorter recertification training. All modules from the 2020 training are still available for all assisters to take as optional training, if desired.

As a supplement to the web-based certification training, CMS plans to host a series of assister webinars prior to open enrollment. Similar to last year, the Assister Readiness Webinar Series will include a series of optional webinars that is intended as an intensive immersion program to prepare assisters for plan year 2020 Open Enrollment. Each week of the series will focus on topics related to Exchange eligibility and enrollment. 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.

**3. Will a shorter recertification course offering be available this year for FFE Navigators?**

Yes. Returning FFE Navigators can complete the abbreviated 2020 Navigator recertification training if **all** of the following criteria are met:

- 1) They were certified as an FFE Navigator during the 2018-2019 Navigator grant period of performance,
- 2) They were not decertified during the 2018-2019 Navigator grant period of performance, and
- 3) They are still affiliated with the same CMS Navigator grantee organization with which they were affiliated when they were certified during the 2018-2019 Navigator grant period of performance.

**4. What are the FFE Navigator and CAC training courses for 2020? How many hours will be needed to complete the training?**

The 2020 FFE training for Navigators and CACs includes the following courses:

<b>Course Title</b>	<b>New Navigators</b>	<b>Returning Navigators</b>	<b>All CACs</b>
001 Training Overview	R	R	R
002 Health Coverage Basics	R	O	R
003 Patient Protection and Affordable Care Act Basics	R	O	R
004 Privacy, Security, and Fraud Prevention Standards	R	R	R
005 Marketplace Assister Essentials	R	R	R
006 Serving Vulnerable and Underserved Populations	R	R	R
007 Cultural Competence and Language Assistance	R	R	R
008 Working with Consumers with Disabilities	R	R	R
009 Customer Service Standards and Community Outreach	O	O	O
010 Coverage to Care Assistance	O	O	O
011 Assister Standard Operating Procedures	O	O	O
012 Advanced Marketplace Issues and Technical Support	O	R	O
013 Assister Feedback	O	O	O

R= Required

O= Optional

FFE Navigators and CACs must successfully complete all of the required courses 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 4-5 hours for returning FFE Navigators and 6-7 hours for new FFE Navigators and all FFE CACs to complete the required web-based portion of the training.

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

No. CMS-CDO agreements are for a period of two years. As part of the CMS updates to the CAC<sup>9</sup> program starting in the spring of 2018, all new and existing CDOs were required to apply or reapply for CDO certification and execute a new CMS-CDO agreement, that generally expires two years from the date of execution.<sup>10</sup> After two years, the agreement will need to be renewed if the CDO wishes to continue its CDO functions. CDOs that executed a new CMS-CDO agreement in 2018 will be due for renewal in 2020. CDOs that completed the CDO application process were issued a new CDO ID and a Welcome Packet.

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

No. 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. If desired, 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).

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<sup>9</sup> In 2018, CMS conducted a refresh of the CAC program by implementing an enhanced application and renewal process. To learn more about the CDO Refresh, click here: <https://marketplace.cms.gov/technical-assistance-resources/assister-programs/cac-apply.html>. The new application process promotes better engagement with our CDOs and provides the assister community with an improved user experience.

<sup>10</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 *Section VII. 8* of the CMS-CDO Agreement.

## **7. As an individual CAC in an FFE, what do I need to do to get certified by the FFE?**

The FFEs do not certify or recertify individual CACs. Certification and recertification of individual CACs in the 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 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 the FFEs or by the MLMS training website; it is issued only by the CDO with which the CAC is affiliated.

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

Organizations should do **all** of the following:

- 1) 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.
- 2) Ask each person who is fully compliant with these criteria whether he or she is seeking to become certified/recertified.
- 3) 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>11</sup>

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<sup>11</sup> Organizations should be aware that 45 CFR 155.225(g)(2) establishes that an individual or entity serving as a CAC or CDO must not receive any consideration directly or indirectly from a health insurance or stop loss insurance

- Ensure that the individual takes the 2020 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 within one year from the date of issuance.
- 4) 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 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 2020 FFE CAC training and show proof of successful completion.

**9. 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?**

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 verbally or through written materials) as a CAC.

Additionally, 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

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issuer in connection with the enrollment of any individuals in a qualified health plan (QHP) or non-QHP. In an FFE, 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.

all CACs certified by the organization, pursuant to *Section II. 4* of the agreement between CMS and the CDO.

**10. What resources are available to assisters 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 assisters 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.