

Working with Navigators and Assisters

July 2019



Disclaimer

The information provided in this presentation is intended only as a general informal summary of technical legal standards. It is not intended to take the place of the statutes, regulations, and formal policy guidance that it is based upon. This presentation summarizes current policy and operations as of the date it was presented. Links to certain source documents have been provided for your reference. We encourage audience members to refer to the applicable statutes, regulations, and other interpretive materials for complete and current information about the requirements that apply to them.

This document generally is not intended for use in the State-based Marketplaces that do not use HealthCare.gov for eligibility and enrollment. Please review the guidance on our Agents and Brokers Resources webpage (<http://go.cms.gov/CCIOAB>) and Marketplace.CMS.gov to learn more.

Unless indicated otherwise, the general references to “Marketplace” in the presentation only includes Federally-facilitated Marketplaces (FFMs).

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Assister Types

Certified Application Counselors & Navigators

- The Center for Consumer Information & Insurance Oversight (CCIIO) oversees two types of enrollment assisters that operate in states with an FFM: Certified Application Counselors (CACs) and Navigators.
- CACs and Navigators have similar responsibilities and training; each must be certified and complete federal training.
- Funding sources are different for CACs and Navigators.
- CACs and Navigators must comply with all federal regulations applicable to CACs and Navigators, and state standards applicable to CACs and Navigators that do not prevent the application of federal requirements.

State-Based Assisters

- CCIIO is responsible for oversight of assisters in the 34 states with an FFM.
- States that run State-based Marketplaces or have State-based Marketplaces on the federal platform are responsible for the oversight, regulation, and certification of their state-based enrollment assisters.

Assister Requirements

Federal Requirements for Navigators and CACs

- All assisters in states with an FFM are prohibited from receiving consideration directly or indirectly from health insurers or stop-loss insurance issuers in connection with the enrollment of any individuals into qualified health plans (QHPs) or non-QHPs.
- Assisters in states with an FFM are required to disclose to consumers certain relationships they have with health insurance issuers and insurance affordability programs.
- Assisters in states with an FFM are required to provide information in a fair, accurate, and impartial manner.
- Assisters must inform consumers about all of the QHPs and insurance affordability programs for which they are eligible.
- With one limited exception for some CACs funded to provide services to defined populations, all assisters in states with an FFM must help all persons who ask for their assistance.

Prohibitions on Assistors Working with Agents and Brokers in the FFM

- Assistors cannot endorse specific agents and brokers or refer consumers to specific agents and brokers.
- Assistors cannot accept consideration of any kind (direct or indirect, cash or in-kind) from an agent or broker that could be tied to the compensation received by an agent or broker from a health insurance or stop loss insurance issuer for enrolling a person in a QHP or non-QHP.
- Assistors cannot use or rely upon the services of agents and brokers as substitutes for performing any of their federally required duties.

Prohibitions on Assistors Working with Agents and Brokers in the FFM (Continued)

- Assistors must **not** refer consumers to agents and brokers as a substitute for fulfilling any of their federally required duties.
- Assistors may **not** try to persuade a consumer to sue a specific agent or broker.
- Assistors may **not** try to persuade a consumer to use a specific web-broker or recommend a particular web-broker or subset of web-brokers.

Prohibitions on Assistors Working with Agents and Brokers in the FFM (Continued)

- Assistors must **not** use a web-broker or issuer site when performing online application and enrollment assistance, unless it is used as a reference tool to supplement the information available on HealthCare.gov.
- An assister entity or individual may **not** advertise or otherwise display a link or widget to a specific web-broker or issuer at its service location or on its website (as applicable).
- Assistors may **not** host or reserve space for agents and brokers at assister service locations.

When Assistors May Inform Consumers About Agent and Broker Services

It may be appropriate for assistors to inform a consumer about services provided by agents and brokers in the following scenarios:

- If a consumer specifically asks about the services that agents and brokers provide and expresses a desire to talk to an agent or broker.
- If, after showing a consumer all of his or her enrollment options, the consumer expresses a desire to receive a recommendation about which plan or type of plan to choose and if agents and brokers are permitted under state law to make such recommendations.

How Assisters May Refer Consumers to Agents and Brokers

- Assisters may refer consumers to general resources that they can use to search for an agent or broker near where they live. The Find Local help feature on HealthCare.gov has a searchable listing of agents and brokers who have registered with the FFM.
- If, after the consumer looks at a general listing of agents and brokers and selects a specific agent or broker to contact, he or she asks for the assister's help with contacting that agent or broker, the assister may also provide that help.

Working with Agents and Brokers at Community Events

- Assistors are permitted to attend public education, outreach, or enrollment events sponsored by a non-assister organization that includes participation by agents and brokers.
- When inviting agents and brokers to assister-hosted public outreach, education, and enrollment events, assistors are encouraged to extend invitations to all agents and brokers in a particular area.
- Assistors may co-host events with agents or brokers so long as they pay their share of the overhead costs associated with hosting the event, such as the rental or other administrative costs associated with securing a venue for the event.

Sharing Expertise and Best Practices

- Assistors and agents and brokers may benefit from sharing expertise and best practices with each other.
- An assister might have experience assisting consumers who qualify for Medicaid or the Children's Health Insurance Program or specific populations (such as immigrants).
- An agent or broker might have best practices for obtaining detailed plan information, how to recognize the distinctions among different coverage options, or different insurance companies' administrative or claims practices.
- Nothing prohibits assistors from networking or sharing knowledge and expertise with agents and brokers or seeking out knowledge and expertise from an agent or provider.

Acronym Definitions

Acronym	Definition
CAC	Certified Application Counselor
CCIIO	Center for Consumer Information & Insurance Oversight
FFM	Federally-facilitated Marketplaces
QHP	Qualified Health Plan

Additional Resources

For additional information about the Marketplace Agent and Broker Program, please visit <http://go.cms.gov/CCIIOAB>