

Clarification of Web-Broker Regulatory Standards at 155.220(c)(4)

Q. Under what conditions may a web-broker make available its Web site and HHS data connection, under a contractual or other basis, for use by another agent or broker?

A. As provided in 45 CFR 155.220(c)(4)(i), a web-broker may, through a contract or other arrangement (including a subscription model), permit another agent or broker to use the web-broker's Web site, including the connection to HHS, to enroll consumers in a qualified health plan offered through the Federally-facilitated Marketplace only if the web-broker satisfies the following conditions:

- a. Provides HHS with a list of agents or brokers who enter into such an arrangement to the FFM (Federally-Facilitated Marketplace), if requested by HHS.

If requested by CMS, a Web-broker must provide data on each agent or broker that it permits to access its Web site. The data must be provided using a standard excel file format provided by CMS (see attached), and must include the following completed fields for each agent/broker listed:

- Name
- Primary contact information, including address, phone number and e-mail address
- FFM User ID
- NPN #1
- NPN #2 (if applicable)
- URL of agent's or broker's Web site

- b. Ensure that the web-broker's name and NPN (National Producer Number) prominently appears on the Web site and on written materials containing QHP information that can be printed from the Web site, even if the agent or broker that is accessing the Internet Web site is able to customize the appearance of the Web site.

The Web-broker must ensure that the web-broker's name and NPN prominently appear on every page of the agent or broker's Web site and on the cover or first page of all written materials containing QHP information that can be printed from the Web site.

- c. Verify that any agent or broker accessing or using the web-broker's Web site pursuant to the contractual or other relationship is licensed in the State in which the consumer is selecting the QHP (Qualified Health Plan); and the agent or broker has completed all FFM registration requirements, including signing all required agreements with the FFM.

Web-brokers must verify that the agent or broker is licensed, has a current FFM training certificate, which the agent or broker receives upon completion of FFM

training and signing all required agreements, and that the agent or broker has an FFM user ID.

- d. Terminate an agent or broker's access to the web-broker's Web site if HHS determines that the agent or broker is in violation of the standards in 45 CFR 155.220, and/or any required agreement between the agent or broker and HHS is terminated.
- e. Report to HHS and applicable State departments of insurance any potential material breach of standards in 45 CFR 155.220(c) and (d) or the agreement entered into pursuant to 45 CFR 155.260(b), by agents or brokers accessing the web-broker's Web site, should it become aware of any such potential breach.