



Agents and Brokers: Tips for Working with Marketplace Assisters

This sheet clarifies the roles of agents and brokers who participate in the Federally-facilitated Marketplace (FFM) and how those agents and brokers can work with other types of assisters that operate in the Marketplace.

Agent and Broker Guidelines

Agents and brokers are private entities or individuals who are licensed and regulated by a state and who typically get a payment, or commission, from a qualified health plan (QHP) issuer with whom they have a contractual relationship for enrolling a consumer into the issuer's plans. Agents and brokers may assist consumers who apply for and enroll in Marketplace coverage and insurance affordability programs, including public programs, such as Medicaid and the Children's Health Insurance Program (CHIP). Agents and brokers can only help consumers enroll in QHPs if they are registered with the Marketplace for the applicable plan year, including successfully completing Marketplace Agent and Broker Training.

Agents and brokers in the FFM:

- Are obligated to follow the regulations and rules of conduct set by state Departments of Insurance in states where they enroll consumers in coverage.
 - In many states, agents and brokers are required to act in a consumer's best interest.
- Are typically compensated by issuers with which they have a contract.
- Are sometimes exclusively affiliated with a specific health insurance company or companies to sell certain products.
 - Although an exception exists for web-brokers, agents and brokers are not required by federal law to display all available QHPs or to facilitate enrollment into all QHPs.

Agents and brokers have no federal requirement to help all persons asking for assistance. For example, agents and brokers might not be required or prepared to help individuals learn whether they are eligible for Medicaid or CHIP.

Assister Guidelines

Assisters play a crucial role in helping consumers make informed decisions when selecting among QHPs. Like agents and brokers, assisters may help consumers apply for and enroll in Marketplace coverage and insurance affordability programs, including public programs, such as Medicaid and the Children's Health Insurance Program (CHIP).



Assisters in the FFM must:

- Not receive consideration directly or indirectly from health insurers or stop-loss insurance issuers regarding the enrollment of any individuals into QHPs or non-QHPs.
- Disclose to consumers certain relationships they have with issuers and insurance affordability programs.
- Provide information in a fair, accurate, and impartial manner.
- Inform consumers about all the QHPs and insurance affordability programs for which the consumer is eligible.

Assisters, with one limited exception for some CACs, must help all persons who ask for their assistance, regardless of status.

General Tips for Agents and Brokers Working with Assisters

When working with assisters, do:

- Understand the constraints Navigators and CACs in the Marketplace must adhere to:
 - See <https://marketplace.cms.gov/technical-assistance-resources/agentsand-brokers-guidance-for-assisters.PDF>.
- Participate in community events.
 - Introduce yourself to Navigators and CACs and ask to be invited to their events.
 - Invite Navigators and CACs to any events you may be hosting.
 - Find Navigators and CACs in your area by going to Find Local Help at HealthCare.gov: <https://localhelp.healthcare.gov/#intro>.
- When you are unable to assist a consumer with, for example, a Medicaid enrollment, make sure your client knows about local Navigators and CACs who can offer assistance.
- Ensure your MLMS profile information is up-to-date to ensure consumers can find you when a Navigator or CAC uses this tool to help a consumer find an agent or broker in the consumer's area.

When working with assisters, do not:

- Attempt to establish an exclusive referral relationship with Navigators and CACs.
- Offer consideration of any kind (direct or indirect, cash or in-kind) that could be tied to the compensation received by you from a health insurance or stop loss insurance issuer for enrolling a person in a QHP or non-QHP.

If you have any questions or concerns on this topic, please contact the Agent/Broker Email Help Desk at FFMProducer-AssisterHelpDesk@cms.hhs.gov