

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
Center for Consumer Information & Insurance Oversight  
200 Independence Avenue SW  
Washington, DC 20201



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**Date:** August 23, 2022

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

**Title:** CMS Enrollment Assister Bulletin: 2022-01<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, 2022<sup>2</sup> for the 2023 plan year (PY) in the individual market, the Centers for Medicare & Medicaid Services (CMS) has updated the annual training curriculum for Navigators and certified application counselors (CACs) in the Federally-facilitated Exchanges (FEEs). This bulletin provides guidance on the training, certification, and recertification requirements and procedures for assisters in the FEEs.

In this bulletin, we refer to this training curriculum as the “2023 training” and refer collectively to Navigators, CACs, and CAC designated organizations (CDOs) as “assistors.” The 2023 training will be delivered through the Marketplace Learning Management System (MLMS), with optional, supplemental trainings provided through the Assister Readiness Webinar Series and Marketplace Assister Microlearning modules<sup>3</sup>.

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<sup>1</sup> The contents of this document do not have the force and effect of law and are not meant to bind the public in any way, unless specifically incorporated into a contract. This document is intended only to provide clarity to the public regarding existing requirements under the law. This communication was printed, published, or produced and disseminated at U.S. taxpayer expense.

<sup>2</sup> See 45 C.F.R. § 155.410(e)(4)(i). For benefit years beginning on or after January 1, 2022, the annual open enrollment period begins on November 1 of the calendar year preceding the benefit year and extends through January 15 of the benefit year. See also Patient Protection and Affordable Care Act; Updating Payment Parameters, Section 1332 Waiver Implementing Regulations, and Improving Health Insurance Markets for 2022 and Beyond; Final Rule, 86 Fed. Reg. 53412, 53429 (Sept. 27, 2021) available at <https://www.govinfo.gov/content/pkg/FR-2021-09-27/pdf/2021-20509.pdf>.

<sup>3</sup> You will receive information on how to access these optional, supplemental Assister Readiness Webinar Series and the Marketplace Assister Microlearning modules as well as the assister newsletters and webinar call-in

## II. Certification and Recertification Requirements for Navigators in the FFEs

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

- 1) Complete training that has been approved by CMS,<sup>4</sup>
- 2) Achieve a passing score on all approved certification examinations,<sup>5</sup>
- 3) Obtain continuing education and be certified and/or recertified on at least an annual basis,<sup>6</sup> and
- 4) Meet any licensing, certification, or other standards prescribed by the State or Exchange, if applicable, so long as such standards do not prevent the application of the provisions of title I of the Affordable Care Act (ACA).<sup>7</sup>

**Training.** All new FFE Navigators must successfully complete all of the required 2023 Navigator training courses in order to be certified by the FFE. Depending on specific factors, as explained below, returning FFE Navigators may be eligible to complete the abbreviated 2023 Navigator recertification training to be recertified by the FFE.

Returning FFE Navigators are eligible to complete the abbreviated 2023 Navigator recertification training if **all** of the following criteria are met:

- 1) They were certified as a FFE Navigator during the 2021-2022 budget period under an award for the 2021-2024 CMS Navigator grant period of performance,
- 2) They had an active PY 2022 FFE Navigator certification when the 2021-2022 budget period ended, and
- 3) They are still affiliated with the same CMS Navigator grantee organization with which they were affiliated when they were certified during the 2021-2022 budget period.

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<sup>4</sup> 45 CFR § 155.215(b)(1)(ii).

<sup>5</sup> 45 CFR § 155.215(b)(1)(iii).

<sup>6</sup> 45 CFR § 155.215(b)(1)(iv).

<sup>7</sup> 45 CFR § 155.210(c)(1)(iii).

FFE Navigators who are eligible to complete the abbreviated 2023 Navigator recertification training will still have access to the full suite of 2023 Navigator training courses and may choose to complete additional training courses if desired.

***FFE Navigator Certification and Recertification.*** All new FFE Navigators must successfully complete the entire 2023 Navigator training and become certified by the FFE prior to performing any Navigator functions.

Returning FFE Navigators who were certified during the 2021-2022 budget period under an award for the 2021-2024 Navigator grant period of performance, currently have an active PY 2022 certification, and are still affiliated with the same CMS Navigator grantee organization with which they were affiliated when they were certified during the 2021-2022 budget period, will have their Navigator PY2022 certification status expire on November 1, 2022. All returning FFE Navigators eligible to complete the abbreviated 2023 Navigator recertification training must successfully do so, and be recertified by the FFE in order to continue performing any Navigator functions after October 31, 2022.

All new and returning FFE Navigators who successfully complete either the full or abbreviated 2023 Navigator training will receive a Navigator certificate with an expiration date of October 31, 2023. This will continue to help ensure that all FFE Navigators successfully complete training and are certified or recertified prior to the individual market Open Enrollment Period for the next plan year.

***Use of Navigator ID.*** When registering for the 2023 Navigator certification or recertification training on the MLMS training platform, all individual FFE Navigators should ensure that they register for and complete the 2023 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 an 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), until they have been trained and are certified by the FFE.<sup>8</sup> Additionally, individuals may

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<sup>8</sup> See 45 CFR § 155.215(b)(1)(i). 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...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...or certified application counselors.” 81 Fed. Reg. 12204, 12257 (Mar. 8, 2016).

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 a current CMS Navigator grantee).

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

CMS regulations require that, prior to functioning as a CAC, all CACs in the FFEs must, among other things:

- 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 or Exchange, if applicable, so long as such standards do not prevent the application of the provisions of title I of the ACA.<sup>9</sup>

The FFEs do not certify individual CACs. Rather, 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). CACs in the FFEs must be recertified by their CDO on at least an annual basis, after successfully completing recertification training.<sup>10</sup>

**CAC Roster.** All CDOs in the FFE must [create and maintain a roster](#) of their active CACs using the [CDO Organizational Maintenance Web Form](#) during their 2-year certification period with CMS.<sup>11</sup> In addition to being a required component of the CDO's record with CMS, maintaining an up-to-date roster is necessary for CACs in the FFEs to be able to access the annual certification training on the MLMS.

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<sup>9</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)-(8).

<sup>10</sup> 45 CFR § 155.225(d)(7).

<sup>11</sup> CMS typically designates CDOs in the FFEs for a 2-year period. CDOs in the FFEs are responsible for renewing their certification with CMS within a timeframe determined and communicated by CMS, typically every 2 years to remain active and continue providing enrollment assistance services. More information on the CDO renewal process can be found on the [technical assistance page of Marketplace.CMS.gov](#).

The CDO's contact(s), typically the CAC Project Director, must add and maintain a roster of its CACs, which includes the CACs' full names, email addresses, and CAC IDs. Once created, CDOs can use their roster to monitor their CACs' annual assister certification training completion dates from the MLMS.<sup>12</sup>

To ensure that the CAC certification requirement is satisfied, CDOs in the FFEs should:

- 1) [Assign](#) each CAC a unique 13-digit alphanumeric CAC ID number,
- 2) [Maintain a roster](#) of the CDO's CACs using the [CDO Organizational Maintenance Web Form](#),
- 3) Confirm that the individual who wishes to become a CAC has successfully completed certification training and continues to meet all other certification requirements, and
- 4) Recertify returning CACs within one year of the date the CDO issued the CAC's current certification.

**Training.** All CACs who successfully completed the 2022 CAC training received a CAC certificate of training completion with an expiration date of October 31, 2022. We encourage CDOs in FFEs to confirm that each of their CACs completes the 2023 CAC recertification training prior to the start of the Open Enrollment Period for PY 2023 in the individual market, which begins on November 1, 2022.<sup>13</sup> 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.

Returning FFE CACs are eligible to complete the 2023 abbreviated CAC recertification training if **all** of the following criteria are met:

- 1) They successfully completed the 2022 FFE CAC training in the MLMS using their unique 13-digit alphanumeric CAC ID number;
- 2) They were certified as a CAC by their CDO for PY 2022 (active certification status documented on the CDOs roster of CACs), received a MLMS training Certificate of Completion from their CDO, and were not decertified during PY 2022; and
- 3) They remain affiliated with the same CDO with which they were certified by for PY 2022.

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<sup>12</sup> Additional instructions on how to create and maintain a CAC roster, as well as assign CAC IDs, are available on the [technical assistance page of Marketplace.CMS.gov](#).

<sup>13</sup> See *supra* note 2.

FFE CACs who are eligible to complete the abbreviated 2023 recertification training will still have access to the full suite of 2023 CAC training courses and may choose to complete additional training courses if desired.

**Use of CAC ID Number.** CACs must use their unique 13-digit alphanumeric CAC ID number to access annual certification training on the MLMS. When registering for the 2023 CAC training on the MLMS training platform, all individual CACs should ensure that they register for and complete the 2023 CAC certification or recertification training using the unique CAC ID number assigned to them by the CDO with whom they are affiliated. CACs should use the unique CAC ID number assigned to them to ensure that the CAC certificate issued to them reflects their current ID number and their current CDO affiliation.

Prior to registering for the 2023 CAC recertification training, returning CACs should ensure they are using their *current* CAC ID number. CACs **should not** register for the 2023 CAC training until they have confirmed with their CDO that they are using their current CAC ID.<sup>14</sup>

New organizations that apply to become CDOs during CMS's 2022 Open Season<sup>15</sup> and are approved to operate as CDOs during PY 2023 should instruct their CACs to wait to take the 2023 CAC certification training until **after** they have been issued a CAC ID number by their CDO.

When registering for the 2023 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.

#### IV. Frequently Asked Questions

##### 1. Will the 2023 training for Navigators and CACs in the FFEs be the same as the 2022 training?

For new Navigators and CACs in the FFEs, the 2023 certification training will be similar to the web-based certification training that CMS released last year—with a

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<sup>14</sup> **Current CAC ID Numbers issued for plan year 2019 or later** 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 CDO for a new ID number immediately.

<sup>15</sup> **CMS's 2022 Open Season began June 1, 2022.** Organizations interested in providing CAC enrollment assistance to consumers for plan year 2023 must be CDOs and enter into an agreement with CMS. The [2022 CDO application](#) can be completed online and CMS also has [several technical assistance resources](#) available for interested applicants.

continued emphasis on those modules assisters need to complete to carry out the required assister duties.

Returning FFE Navigators and returning FFE CACs who meet the requirements outlined above in *Sections II and III*, respectively, related to the abbreviated certification training are eligible to complete an abbreviated 2023 recertification training. All modules from the 2023 training are available for all assisters to take, even if they are not required courses for a certain type of assister.

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

Yes. Returning FFE Navigators can complete the abbreviated 2023 Navigator recertification training if ***all*** of the following criteria are met:

- 1) They were certified as an FFE Navigator during the 2021-2022 budget period under an award for the 2021-2024 CMS Navigator grant period of performance,
- 2) They had an active 2022 FFE Navigator certification when the 2021-2022 budget period ended, and
- 3) They are still affiliated with the same CMS Navigator grantee organization with which they were affiliated when they were certified during the 2021-2022 budget period.

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

Yes. Returning FFE CACs are eligible to complete an abbreviated CAC recertification training. Returning FFE CACs are eligible to complete the 2023 CAC recertification training if ***all*** of the following criteria are met:

- 1) They successfully completed the 2022 FFE CAC training in the MLMS using their unique 13-digit alphanumeric CAC ID number;
- 2) They were certified as a CAC by their CDO for the 2022 plan year (active certification status documented on the CDOs roster of CACs), received a MLMS training Certificate of Completion from their CDO, and were not decertified during PY 2022; and
- 3) They remain affiliated with the same CDO with which they were certified by for PY 2022.

**4. What are the FFE Navigator and CAC training courses for 2023? How many hours will be needed to complete the training?**

The 2023 FFE training for Navigators and CACs includes the following courses, where “R” stands for required and “O” stands for optional:

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

FFE Navigators and CACs must successfully complete all of the required courses to become certified or recertified. 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 CACs, and 6-7 hours for new FFE Navigators and CACs to complete the required web-based training.

**5. Does an existing CDO in an FFE, do I need to complete and return a new CMS-CDO Agreement each year?**

No. CDOs are certified for a timeframe determined by CMS, typically a two (2)-year period.<sup>16</sup> CDOs that became certified in 2020 will be due for CDO Renewal in 2022.

<sup>16</sup> The exceptions to the model CMS-CDO Agreement’s typical two-year term are when (1) in the sole and absolute discretion of CMS, thirty days (30) Days’ advance written notice of nonrenewal is provided by CMS to CDO, or the



Prior to the end of a CDO's 2-year certification period, the CMS-CDO Agreement should be renewed if the CDO wishes to continue its CDO functions.

CMS will email your CDO contacts when it's time to renew. In preparation for renewal, ensure your organization contacts and information is up-to-date in the CDO Organizational Maintenance Web Form.

**6. Does an existing CDO in an FFE, do I need to enter into a new agreement with our organization's CACs as part of the CACs' 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 CDO's agreement with CMS. If desired, a CDO may choose to enter into a new agreement with its CACs as part of the CACs' recertification in accordance with the CDO'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 CDO 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).

**7. Does 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 assign CAC ID numbers, maintain a CAC roster using the CDO Organizational Maintenance Web Form, and 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 use their CAC ID to access certification training and 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 the FFEs or by the MLMS training website; it is issued only by the CDO with which the CAC is

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Agreement is terminated pursuant to Section V of the CMS-CDO Agreement; (2) either CMS or the CDO 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 CMS-CDO Agreement for cause pursuant to *Section V.2* of the CMS-CDO Agreement; or (4) when the CDO rejects an Amendment to the CMS-CDO Agreement pursuant to *Section VII. 8* of the CMS-CDO Agreement.

affiliated. CDOs should use the MLMS training completion date noted on the CAC roster confirm to successful completion of required training.

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

FFE CDOs must 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 CACs 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 ACA.
- 2) Ask each person who is fully compliant with these criteria whether he or she is seeking to become certified or recertified.
- 3) For individuals who would like to be certified or recertified:
  - Require that the individual disclose to the CDO 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>17</sup>
  - Assign each CAC a unique 13-digit alphanumeric CAC ID number,
  - Maintain a roster of the organization's CACs using the CDO Organizational Maintenance Web Form,
  - Ensure that the individual takes the 2023 CAC training and provides the CDO with proof of successful completion (e.g., training completion date on CAC Roster and the training certificate),

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<sup>17</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 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.

- 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 #6 above), and
  - Issue a new official CAC certificate.
- 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 conflicts of interest, by providing this information to consumers through its individual CACs, then the CDO must disclose such relationships to its certified CACs. Each year, the CDO should re-disclose such relationships to all of 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 the 2023 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 CDO decides not to certify the CAC, what steps should the organization take?**

Once an individual CAC's certification has expired or has been withdrawn by a CDO, the former CAC must immediately cease holding themselves out to the public (either verbally or through written materials) as a CAC and immediately cease providing CAC services to the public.

When the individual CAC's certification or agreement has expired or has been withdrawn, the CDO must also 'Decertify' the individual on the CAC roster.

Additionally, the agreement between CMS and each CDO in an FFE requires the CDO to have at least one staff member or volunteer certified as a CAC. 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 CMS-CDO Agreement.

**10. What resources are available to assisters other than the required training?**

Beyond the web-based certification training, CMS will provide optional, supplemental trainings through the Assister Readiness Webinar Series and the Marketplace Assister Microlearning modules. CMS will also continue to provide on-going technical assistance through Assister 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 and resources 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.