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Top Questions and Answers from Plan Year 2017 Marketplace Open Enrollment Agent and Broker Primer Webinars

The Centers for Medicare & Medicaid Services' (CMS) held three sessions of the “Plan Year 2017 Open Enrollment: A Primer for Agents and Brokers Participating in the Health Insurance Marketplace^{SM1,2}” webinar in October.³ The following CMS responses to relevant questions asked by webinar participants can assist agents and brokers during plan year 2017 Open Enrollment.

	Question	Response
Compensation/National Producer Numbers (NPNs)		
1.	Will National Producer Numbers (NPNs) be dropped if consumers update their Marketplace application information?	No. NPNs are only removed if the consumer removes or otherwise makes changes to the NPN from his or her application. Consumers can also contact the Marketplace Call Center to ask for assistance with making changes to their application (including but not limited to changes to the NPN).
2.	If consumers want help updating and making changes to an existing application, will they have the option to add an NPN to the existing application?	Yes. If consumers are updating their application information, they are able to add or change the agent or broker information at that time. They can also contact the Marketplace Call Center to ask for assistance with making changes to their application.
3.	If a consumer changes plans without telling the agent or broker of record on their application, does the NPN stay with the customer?	Yes. The NPN stays with the application unless the consumer removes or otherwise makes changes to the NPN. Marketplace Call Center representatives won't remove agent/broker NPNs unless requested by the consumer. If you think there might be an issue with your NPN being removed, please submit the Application ID with a description of the problem so we can research the matter. Send specific information (without consumer PII) to FFMProducer-AssisterHelpDesk@cms.hhs.gov
4.	Can a consumer call the Marketplace Call Center mid-year in order to change the agent or broker of record on his or her application?	Yes. Consumers can call the Marketplace Call Center to change the agent or broker of record on their applications. However, CMS recommends that consumers do this only when they are making other updates to their applications. Consumers can also do this online themselves while making other updates to their applications.
5.	If a consumer contacts the Marketplace Call Center directly regarding a change to his or her application (such as	Yes. The NPN stays with the application unless the consumer requests that it be removed. Marketplace Call

¹ Health Insurance MarketplaceSM and MarketplaceSM are service marks of the U.S. Department of Health & Human Services.

² When used in this document, the term “Health Insurance Marketplace” or “Marketplace” refers to Federally-facilitated Marketplaces (FFMs), including FFMs where States perform plan management functions, and State-Based Marketplaces on the Federal Platform (SBM-FPs).

³ Webinar dates were October 12, October 19, and October 26, 2016.

	Question	Response
	contact information or income), will the Marketplace retain the agent of record and NPN on the application?	Center representatives only remove NPNs from a consumer application if directed to do so by the consumer. If you think there might be an issue with your NPN being removed, please submit the Application ID with a description of the problem so we can research this further. Send specific information (without consumer PII) to FFMProducer-AssisterHelpDesk@cms.hhs.gov
6.	Will the Marketplace enroll consumers who have a discontinuing plan into qualified health plans (QHPs) offered by insurers who do not work with agents or brokers and who do not pay commissions?	When a consumer is enrolled in coverage through the Marketplace and does not actively select a plan for the next plan year in time to ensure coverage is effective January 1, the Marketplace identifies alternative plans for the consumer according to the auto re-enrollment crosswalk hierarchy. In doing so, the Marketplace does not take into consideration whether an issuer pays a commission when auto-renewing consumers.
7.	How do agents or brokers who assist consumers to enroll in Marketplace coverage receive compensation?	<p>Agents and brokers who participate in the Marketplace may be compensated directly by QHP issuers in accordance with their agreements with QHP issuers and any applicable state-specific requirements. Compensation or credit for enrollments includes commissions, fees, or other incentives as established in the relevant contract between a QHP issuer and an agent or broker. The Marketplace does not establish a commission schedule or pay commissions directly to agents or brokers.</p> <p>However, under Marketplace regulations, an issuer must pay the same agent or broker compensation for selling a QHP inside or outside the Marketplace .</p>
8.	Do agents and brokers have to be appointed with a specific carrier in order to get paid?	Generally, agents and brokers must be affiliated or have a contractual relationship with the respective issuer offering a QHP or a qualified stand-alone dental plan in accordance with applicable state law in order to be paid for a Marketplace enrollment. To become appointed with a particular QHP issuer, we recommend that agents and brokers contact the QHP issuer directly, and contact their state regulators, such as the Department of Insurance (DOI), with any questions on this topic.
9.	Do issuers have to pay agents/brokers for Marketplace enrollments?	The Marketplace does not establish compensation requirements for participating issuers, though many issuers do compensate affiliated agents/brokers. However, issuers should only compensate affiliated agents and brokers that are compliant with applicable Federal requirements, including those for registration with the Marketplace.
10.	Some issuers have stopped compensating agents and brokers for Marketplace enrollments. Is this allowed?	A compensation arrangement in which an issuer pays no commission for sale of a QHP through the Marketplace but does pay a commission for sale of a similar plan outside of the Marketplace, would violate Marketplace regulations at 45 CFR 156.200(f). If agents or brokers have concerns about such practices, they should contact the Agent/Broker Email Help Desk at FFMProducer-AssisterHelpDesk@cms.hhs.gov .

	Question	Response
11.	When an agent or broker enrolls a consumer through the Marketplace “side-by-side” pathway, where does the consumer enter the broker’s NPN on the application?	There are two locations to enter agent and broker NPNs on Marketplace applications—one is at the beginning of the application and the other is after plan selection. To be properly compensated for a sale or renewal, agents and brokers should check to see that their name and NPN are in both locations on the application. Generally, look for a question about someone helping with applying or enrolling in order for the consumer to add your information to the application and to plan selection prior to confirming enrollment.
General Application Assistance		
12.	When helping a consumer enroll in a QHP through the Marketplace, will I be able to see the information the consumer is submitting on the application live, or will I be looking at a blank application so I can walk the consumer through it?	There are two pathways in which agents and brokers can help consumers enroll in the Marketplace. For the Marketplace “side-by-side” pathway, agents and brokers are generally sitting side-by-side assisting consumers with their applications. For the Direct Enrollment pathway, agents and brokers generally log into an issuer’s website or a web-broker’s ⁴ website and enter the information on behalf of the consumer. Agents/brokers not registered for plan year 2017 are not authorized to assist consumers with enrollments through the Marketplace, cannot access the direct enrollment pathway, and for both enrollment channels, issuers are unable to compensate agents/brokers if they are not on the Registration Completion List for plan year 2017 at the time of enrollment assistance.
13.	Agents and brokers are not able to fill out a Marketplace application for consumers, but it sounds like they can follow along in the application with them. How do agents and brokers do this if they cannot sign into the consumer’s account?	In the Marketplace side-by-side approach, the consumer logs into his or her account with their private Marketplace credentials. The agent or broker may then assist the consumer with completion of the application. The agent or broker should not ask a consumer to share his or her private Marketplace log-in credentials.
14.	Do consumers need to sign the individual consent required under 45 CFR 155.220(j)(2)(iii) prior to an agent or broker helping them enroll in a QHP through the Marketplace? If so, what is the necessary form?	Agents and brokers do need to obtain consent from consumers prior to assisting with enrollment through the Marketplace. While CMS does not provide the form, or specify that it has to be signed, agents and brokers can use a broker of record form from an affiliated Marketplace issuer.
15.	Are subsidy amounts or the formula to generate subsidy amounts different from the last plan year?	The formula is the same, but some variables (such as the federal poverty level (FPL) amount) are updated each year.
16.	How does an agent or broker know if a consumer has a data matching issue?	When a consumer submits an application through the Marketplace and there is a data matching issue, he or she will see an indication on the screen that shows eligibility results and also in the eligibility determination notice that is a downloadable PDF. It will tell the consumer what type of information he or she needs to provide to the Marketplace depending on the type of data matching issue. If time has passed and the consumer wants to

⁴ CMS uses the term “web-broker” to describe an individual agent or broker, group of agents and brokers, or company registered with the Marketplace that provides a non-Marketplace website to assist consumers in the selection and enrollment in QHPs offered through the Marketplaces as described in 45 CFR 155.220(c)(3).

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		check the status of the data matching issue, he or she can go to the My Account section of the application to see if the issue still exists. Consumers may also contact the Marketplace Call Center for a status update.
Marketplace Agent and Broker Registration Requirement		
17.	How do agents and brokers confirm they have completed the Marketplace registration requirement?	Agents and brokers can check their Marketplace registration status on the Agent and Broker Registration Completion List (RCL). Agents and brokers can access the RCL via the Agents and Brokers Resources webpage (http://go.cms.gov/CCIIOAB) or directly at: http://data.healthcare.gov/ffm_ab_registration_lists .
18.	If I completed Marketplace agent and broker registration for plan year 2016, do I need to register again to assist consumers for plan year 2017?	<p>Yes, it is an annual registration process. Therefore, agents and brokers who participated in the Marketplace during plan year 2016 need to complete the assigned training courses and pass the exams through the Marketplace Learning Management System (MLMS) via the CMS Enterprise Portal or through a CMS-approved vendor via the CMS Enterprise Portal, and read and accept the applicable Marketplace Agreement(s) on the MLMS. They do not need to create a new CMS Enterprise Portal account, recomplete identity proofing, or request the Agent/Broker role.</p> <p>Agents and brokers who participated in the Individual Marketplace for plan year 2016 are eligible to take a streamlined Refresher Training either through the MLMS or a CMS-approved vendor, regardless of how they completed the plan year 2016 training.</p>
19.	How can I be added to the Find Local Help page on HealthCare.gov?	Your profile page in the MLMS provides an option to display or not display your information on Find Local Help—for both the Individual Marketplace and the SHOP Marketplace accessed via HealthCare.gov. Please ensure that you have selected the option(s) you prefer. Upon completing Marketplace agent and broker registration, it may take up to one week for your information to appear on Find Local Help.
20.	How long does it take for the Marketplace Direct Agent/Broker Call Line to recognize my NPN after I register with the Marketplace for plan year 2017?	It can take up to 5 business days for your NPN to be recognized by the new Marketplace Direct Agent/Broker Call Line.
Batch Auto Re-Enrollment (BAR)		
21.	If a consumer is losing his or her current Marketplace plan for 2017, and enrolls in a new plan prior to November 21, 2016, will the consumer's new plan selection be overwritten when the Marketplace does batch auto re-enrollment (BAR)?	No. The Marketplace will send the consumer's plan selection forward for enrollment. All active plan selections made by the December 15, 2016 deadline will override BAR transactions. Certain consumers may qualify for an SEP, which would allow them to override BAR transactions through December 31, 2016.
22.	Does BAR apply to both subsidized and non-subsidized Marketplace plans?	Yes. BAR applies to everyone enrolled in Individual Marketplace coverage. The Marketplace will automatically enroll a consumer in either his or her current plan or, if that plan is no longer available, in a new issuer's plan. All active plan selections made by the December 15, 2016 deadline will override BAR transactions. Certain consumers may qualify for an SEP, which would allow

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		them to override BAR transactions through December 31, 2016.
Kentucky Exchange (kynect) Consumers		
23.	I am working with consumers who were previously enrolled in health coverage through the Kentucky State-based Marketplace (kynect). They are now receiving letters that they must enroll through HealthCare.gov. If they do not, will they be automatically enrolled in another plan?	No. All Kentucky consumers must create Marketplace accounts, submit applications, and make active plan selections on HealthCare.gov during Open Enrollment for plan year 2017. Kentucky consumers can only gain 2017 Marketplace coverage outside of the Open Enrollment period if they experience a qualifying life event that would grant a Special Enrollment Period.
24.	The Kentucky State-based Marketplace (kynect) had a pre-screen tool that allowed consumers to view plans prior to enrollment. Does the Marketplace have that as well?	Yes. The Marketplace has a tool that allows consumers to view plans prior to enrollment. Go here to use the tool: https://www.healthcare.gov/see-plans/