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**From:** Center for Consumer Information and Insurance Oversight (CCIIO)  
**Title:** Health Insurance Exchange Guidelines  
**Subject:** Web-broker Operational Readiness Reviews for the Enhanced Direct Enrollment Pathway and Related Oversight Requirements<sup>1</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.*

## I. Summary of Significant Changes

CMS provided a brief summary of significant changes made to these guidelines. CMS does not intend for this summary to replace a thorough review of these Guidelines in full.

- As described in Section II and III.A, classic Direct Enrollment (DE) will be discontinued effective November 1, 2026. As such, CMS has updated these Guidelines to clarify the requirements for web-broker participation in Enhanced Direct Enrollment (EDE).
- As described in Section IV.A.i, CMS has clarified the guidelines in Exhibit 1 for required privacy and security documentation for web-broker annual assessment.
- As described in Section VII, CMS has clarified the guidelines for retiring or decommissioning the DE Environment.

## II. Background

These guidelines describe minimum requirements for web-brokers<sup>2</sup> participating in the Direct Enrollment (DE) program in states with Exchanges that use the Federal Platform, including Federally-facilitated Exchanges (FFE)s and State-based Exchanges on the Federal Platform (SBE-FPs) (collectively referred to as the Exchanges, and individually referred to as an Exchange).<sup>3</sup> The guidelines are applicable to web-brokers that are approved to use the Enhanced Direct Enrollment (EDE) pathway to assist consumers with DE in coverage in a manner that constitutes enrollment in an Exchange or assisting individual market consumers with submission of applications for advance payments of the premium tax credit and cost-sharing reductions to an Exchange.<sup>4</sup>

Important Note: CMS discontinued further use of the classic DE pathway beginning with the PY2026 Open Enrollment Period (OEP). CMS used its enforcement discretion to make a one-time limited exception for DE Entities that were only approved to use the classic DE pathway, allowing them to retain access through October 31, 2026, to provide time to transition to the Enhanced Direct Enrollment (EDE) pathway, if desired.<sup>5</sup> For DE web-brokers permitted to use a classic DE pathway through October 31, 2026, all applicable regulatory requirements remain in effect through that date.

These guidelines provide details on the minimum requirements for web-brokers participating in and seeking approval to participate in the EDE program.<sup>6</sup> As discussed in the following sections, before web-brokers can allow consumers to use their internet website to complete an Exchange

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<sup>2</sup> See Section III of these guidelines for the definition of a “web-broker.”

<sup>3</sup> These Guidelines are not applicable to web-brokers operating in State Exchanges that do not use the Federal Platform.

<sup>4</sup> The EDE pathways include both the consumer-facing and agent/broker-facing pathways. Consumer-facing pathway means the workflow, UI, and accompanying APIs for an EDE environment that is intended for use by a Consumer to complete an eligibility application and enrollment. Agent/broker-facing pathway means the workflow, UI, and accompanying APIs for an EDE environment that is intended for use by an agent/broker to assist a consumer with completing an eligibility application and enrollment.

<sup>5</sup> On September 11, 2025, CMS published the Frequently Asked Questions Regarding Decommissioning Classic DE Pathway, available at the following link: [Frequently Asked Questions \(FAQs\) Regarding Decommissioning the Classic Direct Enrollment \(DE\) Pathway](#).

<sup>6</sup> See 45 C.F.R. §§ 155.220(c)(6) and 155.221(b)(4).

eligibility application or a qualified health plan (QHP)<sup>7</sup> selection, web-brokers must demonstrate compliance with applicable business requirements set forth in the Agreement between Web-broker and the Centers for Medicare & Medicaid Services for the Federally-facilitated Exchanges and State-based Exchanges on the Federal Platform (Web-broker Agreement)<sup>8</sup> and submit privacy and security-related documentation demonstrating that they have complied with privacy and security requirements in the Web-broker Agreement and applicable federal privacy and security regulations.<sup>9</sup>

Web-brokers using or seeking to use the EDE pathway must also comply with additional requirements that are set forth in CCIIO’s annual EDE Guidelines entitled Third-party Auditor Operational Readiness Reviews for the Enhanced Direct Enrollment Pathway and Related Oversight Requirements.<sup>10</sup>

If, after thoroughly reviewing the requirements in this document and the EDE Guidelines, an entity would like to be considered for approval to operate as a web-broker on the Exchanges, please contact [directenrollment@cms.hhs.gov](mailto:directenrollment@cms.hhs.gov). Please note, web-brokers *must* develop their own technical environment and integrate with the CMS-provided EDE application programming interfaces (APIs)<sup>11</sup> in order to offer an EDE environment<sup>12</sup> for use by Exchange consumers,

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<sup>7</sup> Qualified Health Plan (“QHP”) has the meaning set forth in 45 C.F.R. § 155.20.

<sup>8</sup> The Web-broker Agreement for the current plan year is available at the following link on CMS zONE: <https://zone.cms.gov/document/direct-enrollment-de-documents-and-materials>. CMS approval to access the Web-broker Community on CMS zONE is required to access CMS zONE links referenced in these guidelines.

<sup>9</sup> See 45 C.F.R. § 155.220(c)(6) and (d); 45 C.F.R. § 155.221(b)(4), (b)(5), and (f); and 45 C.F.R. § 155.260(b).

<sup>10</sup> See 45 C.F.R. § 155.221(f) and (g)(2). The requirements to operate as an EDE Entity are detailed in the Guidelines for Third-party Auditor Operational Readiness Reviews for the Enhanced Direct Enrollment Pathway and Related Oversight Requirements (the EDE Guidelines) for the current year, which are available at the following link under the header “Key Resources: Enhanced Direct Enrollment Guidance”: <https://www.cms.gov/marketplace-private-insurance/agents-brokers/enhanced-direct-enrollment>. CMS expects to update the EDE Guidelines on an annual basis prior to the annual EDE audit submission window. Prospective and existing EDE Entities should verify they are reviewing the most recent EDE Guidelines. The EDE Guidelines for Year 9 are available at the following link: <https://www.cms.gov/files/document/guidelines-enhanced-direct-enrollment-audits-year-9-final.pdf>. On March 8, 2022, CMS published Frequently Asked Questions (FAQs) Regarding the Audit Submission Timeline for Third-party Auditor Operational Readiness Reviews for the Enhanced Direct Enrollment (EDE) Pathway for Calendar Year 2022 and Subsequent Calendar Years, clarifying the time frame for the annual audit submission window, available at the following link: <https://www.cms.gov/files/document/2022-and-subsequent-calendar-years-edc-audit-submission-timeline-faqs.pdf>.

<sup>11</sup> For more information on how to integrate with CMS DE APIs, see Exhibit 3: Web-broker Onboarding Process.<sup>12</sup> EDE Environment means an information technology application or platform provided, owned, and maintained by an EDE Entity through which an EDE Entity establishes an electronic connection with the Hub and, utilizing a suite of CMS APIs, submits Consumer, Applicant, Qualified Individual, or Enrollee Information to the FFE for the purpose of assisting Consumers, Applicants, Qualified Individuals, Enrollees, Qualified Employees, and Qualified Employers—or these individuals’ legal representatives or Authorized Representatives—in applying for APTC and/or CSRs; applying for enrollment in QHPs offered through an FFE or SBE-FP; or completing enrollment in QHPs offered through an FFE or SBE-FP.<sup>13</sup> The list of approved web-brokers and entities approved to use EDE are available at the following link: <https://www.cms.gov/programs-and-initiatives/health-insurance-marketplaces/direct-enrollment-and-enhanced-direct-enrollment>.

<sup>12</sup> EDE Environment means an information technology application or platform provided, owned, and maintained by an EDE Entity through which an EDE Entity establishes an electronic connection with the Hub and, utilizing a suite of CMS APIs, submits Consumer, Applicant, Qualified Individual, or Enrollee Information to the FFE for the purpose of assisting Consumers, Applicants, Qualified Individuals, Enrollees, Qualified Employees, and Qualified Employers—or these individuals’ legal representatives or Authorized Representatives—in applying for APTC

agents, and brokers. Web-brokers are not permitted to automate use of CMS-provided EDE APIs unless approved in advance by CMS, as described in 45 CFR 155.220(j)(2)(vi). CMS does not provide agents, brokers, or prospective web-brokers with an existing EDE environment that will allow agents, brokers, and consumers to enroll consumers in QHP coverage or complete an Exchange eligibility application. Agents and brokers interested in using an existing, but not developing a new EDE environment should review the list of approved web-brokers and approved EDE entities to identify an EDE environment and EDE entity to contact about using their non-Exchange website to assist consumers.<sup>13</sup>

#### **A. Authority**

Pursuant to 45 C.F.R. §§ 155.220(c)(6) and 155.221(b)(4), web-brokers must demonstrate operational readiness and compliance with applicable requirements prior to their websites being used to complete an Exchange eligibility application or a QHP selection.

During the web-broker onboarding process, CMS will review a prospective web-broker's website for compliance with applicable requirements, including 45 C.F.R. § 155.220(c)(3) and (j).<sup>14</sup>

A web-broker must oversee the downstream agents or brokers using its EDE environment consistent with 45 C.F.R. § 155.220(c)(4). This includes a requirement to verify that agents and brokers using the web-broker's non-Exchange website are appropriately licensed in the state in which the consumer is selecting a QHP and have completed training and registration—including signing the required agreements—with the Exchange, pursuant to 45 C.F.R. § 155.220(c)(4)(i)(B). Pursuant to 45 C.F.R. § 155.220(c)(4)(ii), CMS may temporarily suspend a web-broker's ability to transact information with HHS if CMS discovers a security and privacy incident or breach, for the period in which HHS begins to conduct an investigation and until the incident or breach is remedied to CMS's satisfaction. In addition, pursuant to 45 C.F.R. § 155.220(k)(3), CMS may immediately suspend a web-broker's ability to transact information with HHS if CMS discovers circumstances that pose unacceptable risk to Exchange operations or Exchange information technology systems until the incident or breach is remedied or sufficiently mitigated to CMS' satisfaction.

CMS may suspend or terminate a web-broker's agreement(s) with the Exchange or deny the web-broker the right to enter into agreements with the Exchange in future years under 45 C.F.R. §§ 155.220(g) and (m), respectively, for the failure to comply with applicable requirements. Additionally, 45 C.F.R. § 155.220(k) describes penalties other than termination of a web-broker's agreement(s) with the Exchange that CMS may impose on a web-broker for failure to comply with the requirements of 45 C.F.R. § 155.220.

Pursuant to 45 C.F.R. § 155.220(l), if a web-broker enrolls qualified individuals, qualified employers, or qualified employees in coverage in a manner that constitutes enrollment through

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and/or CSRs; applying for enrollment in QHPs offered through an FFE or SBE-FP; or completing enrollment in QHPs offered through an FFE or SBE-FP.<sup>13</sup> The list of approved web-brokers and entities approved to use EDE are available at the following link: <https://www.cms.gov/programs-and-initiatives/health-insurance-marketplaces/direct-enrollment-and-enhanced-direct-enrollment>.

<sup>13</sup> The list of approved web-brokers and entities approved to use EDE are available at the following link: <https://www.cms.gov/programs-and-initiatives/health-insurance-marketplaces/direct-enrollment-and-enhanced-direct-enrollment>.

<sup>14</sup> See 45 C.F.R. § 155.220(c)(6)(iii).

an SBE-FP or assists individual market consumers with submission of applications for advance payments of the premium tax credit and cost-sharing reductions through an SBE-FP, the web-broker must comply with all applicable FFE standards in 45 C.F.R. § 155.220. Web-brokers must also comply with the privacy and security standards set forth in the Web-broker Agreement and the Non-Exchange Entity System Security and Privacy Plan (NEE SSPP).<sup>15,16</sup>

These guidelines do not supersede EDE program requirements for web-brokers that are EDE Entities. Web-brokers that seek to become or that CMS has approved to operate as an EDE Entity must comply with all web-broker requirements and EDE program requirements.<sup>17</sup> CMS also conducts ongoing oversight of web-brokers, once approved, including regular reviews of web-brokers' websites for compliance with the website display requirements detailed in 45 C.F.R. §§ 155.220(c)(3) and 155.221(b)(1)-(3), (6), and (c), the Web-broker Agreement, and program guidance.<sup>18</sup>

### III. Web-broker Overview

CMS defines web-broker in 45 C.F.R. § 155.20 as an individual agent, broker, group of agents or brokers, or business entity registered with an Exchange under § 155.220(d)(1) that develops and hosts a non-Exchange website that interfaces with an Exchange to assist consumers with DE in QHPs offered through the Exchange as described in § 155.220(c)(3) or § 155.221. The term web-broker is inclusive of agent or broker DE technology providers. An agent or broker DE technology provider (as defined in 45 C.F.R. § 155.20) is a type of web-broker business entity that is not a licensed agent or broker under state law and has been engaged or created by, or is owned by an agent or broker, to provide technology services (i.e., an EDE environment) to facilitate participation in DE under 45 C.F.R. §§ 155.220(c)(3) and 155.221. Web-brokers are one defined entity type within the category of DE Entities.<sup>19</sup> Web-brokers, unlike QHP issuers that participate in EDE, must provide a QHP shopping experience that displays all QHPs available in a service area with the required QHP comparative information for consumers, agents, and brokers.<sup>20</sup>

This section will further describe the permissible arrangements through which a web-broker can provide the use of an EDE environment to end users (i.e., agents, brokers, and consumers). All arrangements must be operated in compliance with applicable state and federal laws and regulations, including 45 C.F.R. §§ 155.220, 155.221, 155.260(b), and 156.1230.

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<sup>15</sup> See also 45 C.F.R. §§ 155.220(d)(3) and 155.260(b).

<sup>16</sup> Web-brokers are a non-Exchange Entity, as that term is defined in 45 C.F.R. § 155.260(b)(1).

<sup>17</sup> See, *supra*, note 10.

<sup>18</sup> CMS posts relevant program guidance for web-brokers on CMS zONE in the Web-broker Community (available at: <https://zone.cms.gov/community/web-broker-community>) and on the Enhanced Direct Enrollment Resources webpage (available at: <https://www.cms.gov/marketplace-private-insurance/agents-brokers/enhanced-direct-enrollment>).

<sup>19</sup> DE Entities can include web-brokers, QHP issuers, and QHP Issuer and Agent or Broker DE Technology Providers (defined in 45 C.F.R. § 155.20). DE Entities are entities that an Exchange permits to assist consumers with DE in QHPs offered through the Exchange in a manner considered to be through the Exchange as authorized by 45 C.F.R. §§ 155.220(c)(3), 155.221, or 156.1230. These guidelines, however, are only applicable to EDE Entities that are web-brokers and Agent or Broker DE Technology Providers.

<sup>20</sup> CMS publishes Web-broker website display guidance in the *Key Resources* section of the Enhanced Direct Enrollment Resources for the Federally-facilitated Exchange webpage, available at the following link: <https://www.cms.gov/marketplace-private-insurance/agents-brokers/enhanced-direct-enrollment>.

### ***A. Classic Direct Enrollment and Enhanced Direct Enrollment Definitions***

As previously stated in Section II, CMS discontinued further use of the classic DE pathway beginning with the PY2026 Open Enrollment Period. CMS used its enforcement discretion to make a limited exception for DE Entities that were only approved to use classic DE to continue using classic DE through October 31, 2026, in order to provide time to transition to the EDE pathway, if desired. Prospective web-brokers should refer to the Third-party Auditor Operational Readiness Reviews for the Enhanced Direct Enrollment Pathway and Related Oversight Requirements<sup>21</sup> for more information on participating in EDE. For DE web-brokers permitted to use a classic DE pathway through October 31, 2026, all applicable regulatory requirements remain in effect through that date.

Web-brokers may host an EDE environment capable of assisting consumers with completing an Exchange<sup>22</sup> eligibility application and enrolling in QHPs offered through the Exchange. The EDE pathway allows approved EDE Entities to host an eligibility application for Exchange coverage on an EDE Entity's website and does not require the consumer or agent/broker to be redirected to HealthCare.gov for that portion of the application and enrollment process.

Web-broker websites can be used directly by consumers (i.e., consumer-facing websites) or agents and brokers (i.e., agent/broker-facing websites). A consumer-facing EDE web-broker website allows a consumer—either working independently or with an agent/broker—to submit an Exchange eligibility application and complete the QHP selection. An agent/broker-facing EDE web-broker website is utilized by agents and brokers to assist the consumer with the completion of the Exchange eligibility application and QHP selection. While these types of websites differ in some ways, both are subject to requirements in 45 C.F.R. §§ 155.220 and 155.221.

### ***B. Web-broker Required Arrangements with Agents and Brokers***

CMS requires web-brokers to work in connection with a licensed agent or broker to assist consumers with enrolling in QHPs through the Exchanges. This arrangement may come in many forms, but a web-broker must comply with state law regarding licensure and appointment in each state in which a web-broker operates. For example, subject to applicable state law, a web-broker may operate as a licensed agency or brokerage business entity or as an agent or broker DE technology provider that provides an EDE environment to one or more licensed agents or brokers. An agent or broker DE TP cannot provide an EDE environment directly to consumers for completing an Exchange eligibility application and enrolling in a QHP (i.e., they must provide the environment on behalf of a licensed agent/broker for use by consumers) because they are not a licensed agent or broker under state law.<sup>23</sup>

Pursuant to 45 C.F.R. §§ 155.220(c)(4), web-brokers must oversee the agents and brokers that the web-broker allows to use its EDE environment for compliance with CMS regulatory requirements and state licensure requirements.

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<sup>21</sup> See, *supra*, note 10.

<sup>22</sup> Exchange has the meaning set forth in 45 C.F.R. § 155.20.

<sup>23</sup> All references to agents and brokers in these guidelines refer to agents and brokers that are licensed in the applicable state and have completed the annual FFE registration and training.

### ***C. Web-broker EDE Services Provided Directly to End-Users***

Web-brokers can offer the use of an EDE environment directly to end users (i.e., consumers, agents, and brokers) subject to the requirements described in Section III of these guidelines. For example, web-brokers can provide a public-facing website to consumers or websites designed for use by agents and brokers that have contracted with the web-broker. Furthermore, web-brokers can provide public-facing websites for agents and brokers that are controlled by the web-broker, but labeled with the agent's or broker's branding and marketing information for use by consumers (i.e., "white-label" arrangements). All web-broker websites that facilitate completion of an Exchange eligibility application or QHP enrollment through an Exchange must comply with the requirements in 45 C.F.R. §§ 155.220 and 155.221, including the requirement to display all QHPs and required QHP comparative information. Except as provided in Section III.D of these guidelines, the QHP display used to select a QHP for enrollment via an EDE environment must be provided and controlled by the web-broker. The web-broker must not allow or facilitate the use of QHP selections outside of the QHP display provided and controlled by the web-broker in these types of arrangements.<sup>24</sup>

### ***D. Web-broker EDE Environment Use by Other CMS-approved Entities and Indirectly to End Users***

Web-brokers can offer the use of their EDE Environment indirectly to end users on behalf of another CMS-approved EDE entity (i.e., QHP issuers, web-brokers, or hybrid non-issuer upstream EDE Entities).<sup>25</sup>

Web-brokers can provide EDE environments on behalf of QHP issuers by operating as a QHP issuer DE technology provider (as defined in 45 C.F.R. § 155.20). These EDE environments can be used by consumers to complete an Exchange eligibility application and enroll in the QHP issuer's QHPs offered through an Exchange, and by agents or brokers to assist consumers in doing the same. In this arrangement, the web-broker operating as a QHP issuer DE technology provider would be a downstream and delegated entity of the QHP issuer subject to the requirements set forth in 45 C.F.R. § 156.340. The web-broker operating as a QHP issuer DE technology provider must comply with all applicable Federal standards related to Exchanges, including those detailed in 45 C.F.R. §§ 155.221 and 156.1230. The web-broker operating as the QHP issuer's DE technology provider must use the issuer's Hub partner ID for EDE enrollment activity conducted on behalf of the issuer. Furthermore, a web-broker in this relationship can provide consumer-facing, white-label websites through the EDE environment for both consumers and agents and brokers to assist consumers with submitting Exchange eligibility applications and enrolling in the QHP issuer's plans offered on the Exchange. In these arrangements with QHP issuers, web-brokers *may* allow the use of QHP selections completed on QHP issuer-provided, -controlled, and -owned QHP selection websites. For example, a QHP issuer provides a QHP selection of its own plans on its own website, which redirects the end user to the web-broker's website to complete the Exchange eligibility application and QHP

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<sup>24</sup> For a limited exception to this rule, please refer to Section III.D.

<sup>25</sup> Hybrid non-issuer upstream EDE Entities are a type of upstream EDE Entity. As described in the EDE Guidelines for Year 9 in Section V.A.iii, a hybrid non-issuer upstream EDE Entity is an agent, broker, or web-broker that uses a primary EDE Entity's EDE environment with additional functionality or systems that modify the EDE end-user experience provided by the primary EDE Entity. See, *supra*, note 10 for a link to the EDE Guidelines for Year 9.

enrollment process. However, this permissibility does not extend to agent- or broker-owned, controlled websites providing a QHP display on behalf of the issuer.

Web-brokers can also provide their EDE environments to other web-brokers or hybrid non-issuer upstream EDE Entities. In these scenarios, the QHP display used to select a QHP for enrollment via a EDE environment must be provided and controlled by the web-broker. The web-broker that provides the EDE environment must not allow or facilitate the use of QHP selections made outside of the QHP display provided and controlled by a web-broker for enrollment via EDE.

#### ***E. Differences Between QHP Issuer DE Technology Providers and Web-brokers***

As noted above, a web-broker may operate as a QHP issuer DE technology provider and provide EDE services to a QHP issuer. However, a QHP issuer DE technology provider cannot operate as a web-broker or provide web-broker-like services (as described in Section III of these guidelines) without becoming a web-broker. This section details the distinctions between QHP issuer DE technology providers and web-brokers.

An Entity that operates only as a QHP issuer DE technology provider may only provide an EDE environment to QHP issuers, and, on behalf of that issuer, to the issuer's downstream users (i.e., consumers, agents, and brokers).

However, unlike web-brokers, QHP issuer DE technology providers cannot display plans or provide an EDE environment directly to consumers or agents and brokers independent of an arrangement with a specific QHP issuer. The ability of a QHP issuer DE technology provider to display QHPs and facilitate enrollment in those QHPs is dependent on a connection to an agent, broker, or QHP issuer, consistent with state law. Accordingly, in order to do so, a QHP issuer DE technology provider would need to onboard as a web-broker with CMS and comply with the requirements described in Section III.B of these guidelines (i.e., a web-broker's required arrangements with agents and brokers).

If a QHP issuer DE technology provider seeks to provide an EDE environment directly to consumers, agents, and brokers—that is, not on behalf of a QHP issuer—a QHP issuer DE technology provider can become a web-broker by completing the web-broker onboarding process, as described in Sections III and IV. Due to the different operating models of QHP issuer DE technology providers and web-brokers, the QHP issuer DE technology provider may need to modify its EDE environment to comply with the requirements applicable to web-brokers (e.g., the requirement to display all available QHPs offered on the Exchange, rather than just display the QHP issuer's plans offered on the Exchange). The QHP issuer DE technology provider must make such changes prior to conducting the privacy and security audit and before CMS will conduct a pre-approval website review as part of the web-broker onboarding process.

#### **IV. Web-broker Operational Readiness Review Requirements**

CMS has established operational readiness review requirements that web-brokers must meet and demonstrate compliance with CMS prior to approval and, at a minimum, on an annual basis thereafter. These requirements and CMS' approval of web-brokers are necessary because of the effects a web-broker's processes may have on the HealthCare.gov information technology (IT) platform and consumers' Exchange eligibility applications and enrollments in QHPs offered through the Exchange. A prospective web-broker must satisfy the web-broker operational readiness review requirements before CMS will countersign the prospective web-broker's Web-

broker Agreement and enable the web-broker’s access to the production EDE environments. An existing web-broker must similarly satisfy the applicable operational readiness review requirements on an annual basis to maintain CMS’ approval to operate an EDE environment.<sup>26</sup> This section details the operational readiness review requirements for web-brokers to obtain and maintain CMS’ approval to operate an EDE environment in production.

## **A. *Web-broker Privacy and Security Requirements***

### **i. Web-broker Privacy and Security Audit Requirements**

Web-brokers must implement the privacy and security controls set forth in the NEE SSPP and consistent with the requirements in the Web-broker Agreement (see, e.g., Sections III, V, and IX of the Web-broker Agreement for plan year 2026) to participate in EDE.<sup>27</sup> The NEE SSPP contains comprehensive security and privacy controls and implementation standards for all aspects of the EDE program. The NEE SSPP describes the annual assessment that web-brokers must conduct, including the assessment methodology, and the tests and analysis to be performed on an annual basis. This privacy and security audit must be conducted by one or more independent, objective third-party auditors free of any real or perceived conflict(s) of interest, consistent with 45 C.F.R. § 155.221(f), (g), and (h) and Section IX of the Web-broker Agreement. Web-brokers must select an auditor with privacy and security standards consistent with Section VI.C of the EDE Guidelines.

For an existing web-broker, the web-broker must complete an annual privacy and security audit consistent with the Non-Exchange Entity (NEE) Information Security and Privacy Continuous Monitoring (ISCM) Strategy Guide and the NEE SSPP.<sup>28</sup>

For a prospective web-broker, the privacy and security audit must be conducted after the web-broker has completed development of its EDE environment. The EDE environment subject to the audit must represent the EDE environment that the web-broker intends to use in production to connect to the Exchange.

To demonstrate compliance with the requirements in Appendix A of the Web-broker Agreement, web-brokers are required to submit the complete set of documents outlined in Exhibit 1 to CMS, unless otherwise noted in the “Submission Requirements” column.<sup>29</sup> All assessment activities that serve as the basis for the documentation in Exhibit 1 must have been completed within one year of the date of the fully executed Web-broker Agreement (i.e., the date of the relevant Security and Privacy Assessment Report (SAR) the web-broker is using to satisfy the annual

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<sup>26</sup> As noted in Sections II and III.A, CMS will decommission Classic DE on November 1, 2026. For more information on the applicable operational readiness review requirements that existing web-brokers must satisfy on an annual basis, review Section V of these guidelines. Note: These operational readiness review requirements are independent of the EDE operational readiness review requirements—as defined in the EDE Guidelines—unless otherwise noted.

<sup>27</sup> The NEE SSPP is available on CMS zONE at the following link: <https://zone.cms.gov/document/privacy-and-security-audit>.

<sup>28</sup> The NEE ISCM Strategy Guide and NEE SSPP are available on CMS zONE at the following link: <https://zone.cms.gov/document/privacy-and-security-audit>.

<sup>29</sup> These documents may also be requested from web-brokers who currently participate in DE as part of a CMS review or audit to assess the web-broker’s compliance with applicable requirements. See, e.g., 45 C.F.R. §§ 155.220(c)(5) and 155.221(g)(7). There are also additional privacy and security documentation requirements for web-brokers using or intending to use the EDE pathway. See the EDE Guidelines referenced in footnote 10 for more information.

privacy and security requirements required by these guidelines must be within one year of the date that CMS provides the web-broker an executed Web-broker Agreement).

### **Exhibit 1: Required Privacy and Security Documentation for Web-broker Annual Assessment**

Document	Description	Submission Requirements
<b>Security Privacy Controls Assessment Test Plan (SAP)</b>	<ul style="list-style-type: none"> <li>▪ The SAP describes the auditor’s scope and methodology of the assessment.</li> <li>▪ The SAP includes an attestation of the auditor’s independence.</li> <li>▪ The SAP must be completed by the auditor and submitted to CMS for review, prior to conducting the security and privacy controls assessment (SCA).</li> <li>▪ An audit must not be initiated until the Entity and its auditor has attended an audit kick-off call with CMS, and has received approval from CMS to proceed with the audit in writing.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Submit via the CMS designated file sharing platform at least thirty (30) days before commencing the privacy and security audit during the planning phase.<sup>30</sup></li> <li>▪ After CMS has received the SAP and auditor contract, CMS will schedule an audit kick-off call with the prospective web-broker and auditor.</li> <li>▪ For any existing web-brokers, consistent with the ISCM Strategy Guide, this step is only required if the web-broker is changing auditors for its annual assessment.</li> </ul>
<b>Auditor Contract</b>	<ul style="list-style-type: none"> <li>▪ The prospective web-broker must submit a contract with its selected privacy and security auditor.</li> <li>▪ The prospective web-broker may omit sensitive details or financial information from this contract.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Submit via the CMS designated file sharing platform at least thirty (30) days before commencing the privacy and security audit during the planning phase.</li> <li>▪ After CMS has received the SAP and auditor contract, CMS will schedule an audit kick-off call with the prospective web-broker and auditor.</li> <li>▪ For any existing web-brokers, consistent with the ISCM Strategy Guide, this step is only required if the web-broker is changing auditors for its annual assessment.</li> </ul>
<b>Security and Privacy Assessment Report (SAR)</b>	<ul style="list-style-type: none"> <li>▪ The report should contain a summary of findings that includes ALL findings from the assessment to include documentation reviews, control testing, scanning, penetration testing, interview(s), etc.               <ul style="list-style-type: none"> <li>○ Explain if and how findings are consolidated.</li> <li>○ Ensure risk level determination is properly calculated, especially when weaknesses are identified as part of the Center for Internet Security (CIS) Top 18 and/or OWASP Top 10.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Submit via the CMS designated file sharing platform using the SAR template on CMS zONE<sup>32</sup></li> <li>▪ Only one final report should be submitted to CMS. Unless CMS has provided comments and/or requested edits to the original submission and requested a revised resubmission, no additional reports should be submitted.</li> </ul>

<sup>30</sup> For more information on requesting access to the CMS designated file sharing platform, please review Section VIII.

<sup>32</sup> Documents, templates, and other materials will be posted at the following link on CMS zONE: <https://zone.cms.gov/document/privacy-and-security-audit>.

Document	Description	Submission Requirements
	<ul style="list-style-type: none"> <li>▪ The assessment must be conducted by an independent third-party auditor with experience outlined in the Framework for Independent Assessment.<sup>31</sup> Among the experience required include familiarity with National Institute of Standards and Technology (NIST) standards, the Health Insurance Portability and Accountability Act (HIPAA), and other applicable federal privacy and cybersecurity regulations and guidance.</li> <li>▪ Alternatively, the web-broker may reference existing audit results that address some or all of the assessment’s requirements, assuming the existing audit results were produced by a third-party auditor in conformity with the requirements described above. <ul style="list-style-type: none"> <li>○ If existing audit reports do not address all required elements of the assessment, the remaining elements must be addressed utilizing one of the first two assessment options.</li> <li>○ If existing audit reports are utilized, the reports must have been based on assessment activities completed within the last year.</li> </ul> </li> <li>▪ The SAR should not include comments that describe the third-party assessor’s process for verifying the requirement, unless there is a specific issue or concern with respect to the requirement that warrants raising the concern to CMS.</li> </ul>	
<b>Annual Penetration Testing</b>	<ul style="list-style-type: none"> <li>▪ The penetration test must include the EDE Environment and must include tests based on the Open Web Application Security Project (OWASP) Top 10.<sup>33</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Submit via the CMS designated file sharing platform with the SAR.</li> </ul>
<b>Plan of Action and Milestones (POA&amp;M)</b>	<ul style="list-style-type: none"> <li>▪ Submit a POA&amp;M if its third-party auditor identifies any privacy and security compliance issues in the SAR.</li> <li>▪ Ensure all open findings from the SAR have been incorporated into the POA&amp;M.</li> <li>▪ Explain if and how findings from the SAR were consolidated on the POA&amp;M; include SAR reference numbers, if applicable.</li> <li>▪ Ensure the weakness source references each source in detail to include type</li> </ul>	<ul style="list-style-type: none"> <li>▪ Initial POA&amp;M submission must include the most recent three months of vulnerability scans. Subsequent monthly POA&amp;M submissions must include the most current vulnerability scan.</li> <li>▪ Once approved, web-brokers must submit the POA&amp;M and the last three months of vulnerability scans quarterly as part of the ISCM activities.</li> </ul>

<sup>31</sup> The Framework for Independent Assessment (the Framework) will provide an overview of the independent security and privacy assessment requirements. The Auditor should review the Framework prior to conducting the privacy and security audit.

<sup>33</sup> Section V.b of the Web-broker Agreement contains additional information on the penetration testing requirements.

Document	Description	Submission Requirements
	<p>of audit/assessment and applicable date range.</p> <ul style="list-style-type: none"> <li>▪ Ensure the weakness description is as detailed as possible to include location/server/etc., if applicable.</li> <li>▪ Ensure scheduled completion dates, milestones with dates, and appropriate risk levels are included.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Submit via CMS Box using the POA&amp;M template on CMS zONE with the SAR.</li> </ul>
<b>Network and Component Vulnerability Scans</b>	<ul style="list-style-type: none"> <li>▪ A web-broker must submit the most recent three (3) months of its Vulnerability Scan Reports.</li> <li>▪ All findings from vulnerability scans are expected to be consolidated in the monthly POA&amp;M (the POA&amp;M is expected to be updated monthly, if applicable, but only submitted as indicated in the following row unless additional submissions are requested by CMS).</li> <li>▪ Similar findings can be consolidated.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Submit via the CMS designated file sharing platform with the SAR and quarterly POA&amp;M.</li> </ul>
<b>Non-Exchange Entity System Security and Privacy Plan (NEE SSPP)</b>	<ul style="list-style-type: none"> <li>▪ The NEE SSPP must include complete and detailed Information about the prospective or existing Web-broker’s implementation specifications of required security and privacy controls.</li> <li>▪ The implementation of security and privacy controls must be completely documented in the SSPP before the audit is initiated.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Web-brokers must submit the NEE SSPP to CMS before commencing the security and privacy assessment.</li> <li>▪ Web-brokers must use the NEE SSPP template on CMS zONE.</li> </ul>
<b>Risk Acceptance Form</b>	<ul style="list-style-type: none"> <li>▪ The Risk Acceptance Form records the weaknesses that require an official risk acceptance from the organization’s Authorizing Official.</li> <li>▪ Before deciding to accept the risks, the relevant NEE’s authorities should rigorously explore ways to mitigate the risks.</li> <li>▪ Web-brokers must document accepted risks using the Risk Acceptance Form and submitted with the POA&amp;M during the regular POA&amp;M submission schedule.<sup>34</sup></li> <li>▪ Critical or high findings cannot be included in the Risk Acceptance Form.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Submit via the CMS designated file sharing platform using the Risk Acceptance Form on CMS zONE with the POA&amp;M.</li> </ul>

ii. Auditor Conflict of Interest Standards

Pursuant to Section IX.b of the Web-broker Agreement, a web-broker that is contracting with an auditor to submit an audit to CMS must select an auditor who is free from any real or perceived conflicts of interest, including being free from personal, external, and organizational impairments to independence, or the appearance of such impairments to independence. A web-broker’s auditor must disclose to HHS any financial relationship between the auditor and individuals who own or are employed by the web-broker or who own or are employed by the web-broker for

<sup>34</sup> The Risk Acceptance Form is available on CMS zONE at the following link: <https://zone.cms.gov/document/privacy-and-security-audit>.

which the auditor is conducting an audit, pursuant to 45 C.F.R. § 155.221(g)(4) and Section IX.b of the Web-broker Agreement.

iii. Auditor Independence and Objectivity

A web-broker’s auditor must remain independent and objective throughout the audit process. An auditor is independent if there is no perceived or actual conflict of interest involving the developmental, operational, and/or management chain associated with the web-broker’s EDE environment and the determination of security and privacy control effectiveness or business requirement compliance. The auditor’s role is to provide an independent assessment of the compliance of the web-broker’s EDE environment and to maintain the integrity of the audit process. Upon submission of the audit, auditors will be required to attest to their independence and objectivity in completing the audit, and that neither the web-broker nor the auditor took any actions that might impair the objectivity of the findings in the audit. This disclosure must happen in the SAP for the auditor, and in the Web-broker Agreement for the web-broker. Otherwise, notice must be provided to CMS consistent with the notice provision of the Web-broker Agreement.

**B. Web-broker Business Requirements**

Web-brokers must comply with the business requirements identified in Section VII of the EDE Guidelines and Exhibit 2 of these guidelines, consistent with the Web-broker Agreement operational readiness requirements (these requirements appear in Sections III and V of the Web-broker Agreement).<sup>35</sup> CMS does not execute a Web-broker Agreement with a web-broker and will not approve a web-broker to operate an EDE Environment in production until the web-broker has met all business requirements outlined in Section VII of the EDE Guidelines, the pre-approval requirements outlined in Section XI of the EDE Guidelines, this subsection, and the privacy and security requirements outlined in Section IV.A of these guidelines. For additional information on the web-broker onboarding process, please review Section IV of these guidelines. For existing web-brokers, a subset of the requirements in Exhibit 2 will apply as part of the annual agreement renewal process as described in Section V.

**Exhibit 2: Required Business Documentation and Evidence for Web-broker Approval**

Requirement	Description	Submission Requirements
<b>Data Request Form</b>	<ul style="list-style-type: none"> <li>▪ The web-broker must provide license information, points of contact, third-party relationships, and other related data elements (including the National Producer Number (NPN) of the web-broker’s designated representative that will complete Marketplace registration and training) to CMS.</li> <li>▪ Consistent with Section III.a.5 of the Web-broker Agreement, web-brokers must provide an NPN of at least one designated representative, who is an agent/broker (AB)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Submit via the CMS designated file sharing platform.</li> </ul>

<sup>35</sup> Also see 45 CFR 155.220(c)(6) and 155.221(b)(4)(i).<sup>36</sup> The Web-broker Agreement is effective from execution through the day before the first day of the next plan year’s annual open enrollment period (OEP). See 45 C.F.R. § 155.410(e) for more information on the annual OEP.<sup>37</sup> See, *supra*, note 5.

Requirement	Description	Submission Requirements
	<p>that has completed registration and training with the Exchange. If an entity is an AB DE Technology Provider and does not have a designated representative during the onboarding process, the AB DE Technology Provider can provide this Designated Representative NPN separately prior to CMS activating the web-broker's Partner ID to operate in production.</p>	
<p><b>CMS Data Services Hub (Hub) Testing</b></p>	<ul style="list-style-type: none"> <li>▪ The web-broker must successfully complete an enrollment via the EDE pathway. To satisfy this requirement, the web-broker will demonstrate successful enrollment during testing required to receive approval to use the EDE pathway.</li> </ul>	<ul style="list-style-type: none"> <li>▪ N/A</li> </ul>
<p><b>Web-broker Agreement</b></p>	<ul style="list-style-type: none"> <li>▪ The web-broker must complete all fields and sign the Web-broker Agreement for the applicable plan year.<sup>36</sup></li> <li>▪ The Web-broker Agreement for the current plan year is available at the following link on CMS zONE: <a href="https://zone.cms.gov/document/direct-enrollment-de-documents-and-materials">https://zone.cms.gov/document/direct-enrollment-de-documents-and-materials</a>.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Submit via the CMS designated file sharing platform.</li> </ul>
<p><b>Testing Environment</b></p>	<ul style="list-style-type: none"> <li>▪ The web-broker must maintain a testing environment that accurately represents the web-broker's EDE production environment consistent with Section III.a of the Web-broker Agreement.</li> </ul>	<ul style="list-style-type: none"> <li>▪ N/A</li> </ul>
<p><b>Pre-Approval Website Review</b></p>	<ul style="list-style-type: none"> <li>▪ CMS will conduct a pre-approval website review for all prospective web-brokers seeking to become a primary or upstream EDE Entity to confirm the prospective web-broker complies with the requirements defined in 45 CFR 155.220(c)(3)(i).</li> <li>▪ The web-broker must provide CMS with a set of website test environment credentials that CMS can use to access the web-broker's website testing environment (i.e., pre-production environment) to complete the website review of the web-broker's EDE environment.</li> <li>▪ CMS may contact the prospective web-broker during testing if CMS encounters any blockers in the testing environment.</li> <li>▪ CMS will prepare a technical assistance letter summarizing any compliance findings identified during the pre-approval website review, as well as designating which findings the web-broker must resolve prior</li> </ul>	<ul style="list-style-type: none"> <li>▪ Upon request, submit website test environment credentials via the CMS designated file sharing platform.</li> <li>▪ Submit evidence of any resolved compliance findings consistent with CMS instructions, if applicable.</li> </ul>

<sup>36</sup> The Web-broker Agreement is effective from execution through the day before the first day of the next plan year's annual open enrollment period (OEP). See 45 C.F.R. § 155.410(e) for more information on the annual OEP.<sup>37</sup> See, *supra*, note 5.

Requirement	Description	Submission Requirements
	<p>to CMS approving the web-broker. CMS may conduct additional testing to confirm resolution of the findings.</p> <ul style="list-style-type: none"> <li>▪ For prospective web-brokers, CMS’s approval to use the EDE pathway in production is contingent on the web-broker resolving findings identified by CMS during the pre-approval website review as requested by CMS.</li> </ul>	
<b>EDE Business Requirements</b>	<ul style="list-style-type: none"> <li>▪ Web-brokers seeking to become EDE Entities must carefully review the EDE Guidelines guidance in its entirety. At a minimum, the web-broker must demonstrate compliance with business audit requirements as described in the following EDE Guidelines Sections: <ul style="list-style-type: none"> <li>– Business Audit Requirements and Scope, Section VII</li> <li>– Required Auditor and EDE Entity Training, Section IX</li> <li>– Approval Process and Audit Submission Window, Section XI</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ See the EDE Guidelines for submission requirements and instructions.</li> </ul>

**C. Prospective Web-broker Onboarding Process**

This section details the onboarding process for prospective web-brokers. Generally, CMS does not approve a web-broker to operate an EDE environment in production until it satisfies all of the operational readiness requirements detailed in Section IV of these guidelines.

CMS will approve a prospective web-broker once a prospective web-broker has met the operational readiness requirements to CMS’s satisfaction. If a web-broker is concurrently seeking approval as an EDE Entity, the prospective web-broker must also satisfy the EDE program requirements to obtain CMS approval to operate an EDE environment in production.

Web-brokers may request to become a primary EDE Entity during the annual EDE audit submission window, as described in Section XI, Approval Process and Audit Submission Window, of the EDE Guidelines.<sup>37</sup> Web-brokers may request to become an upstream EDE Entity year-round. The process to obtain CMS approval as a web-broker may take several months from the point the web-broker has submitted its operational readiness review documentation.<sup>38</sup> This does not include the time that it would take a prospective web-broker to develop its EDE environment and prepare the required operational readiness review documentation, including the privacy and security audit. Prospective web-brokers should consider this approval time when evaluating anticipated go-live timeframes. CMS does not guarantee any review or approval timelines. CMS cannot estimate go-live timeframes for a prospective web-broker.

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<sup>37</sup> See, *supra*, note 5.  
<sup>38</sup> The expected timelines for obtaining approval as an EDE Entity are discussed in more detail in the EDE Guidelines (see, *supra*, note 10).

### Exhibit 3: Web-broker Onboarding Process

Steps	Description	Submission Requirements
<b>Submit Initial Notice of Intent</b>	<ul style="list-style-type: none"> <li>▪ The prospective web-broker notifies CMS that it is interested in pursuing onboarding as a web-broker for EDE.</li> <li>▪ CMS provides general information about EDE via email.</li> <li>▪ Prospective web-broker confirms intent to continue with onboarding.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Email <a href="mailto:directenrollment@cms.hhs.gov">directenrollment@cms.hhs.gov</a> with a notice of intent to become a web-broker.</li> </ul>
<b>Participate in Informational Interview with CMS</b>	<ul style="list-style-type: none"> <li>▪ CMS will schedule an informational interview with CMS and prospective web-brokers seeking to become a primary EDE Entity or hybrid non-issuer upstream EDE Entity. During this interview, CMS will ask the web-broker questions about its operations, plans to operate as an EDE web-broker, and other operational or oversight-related questions.</li> <li>▪ CMS will provide information about EDE and the onboarding process, as well as the approval requirements and expectations consistent with those defined in this document.</li> <li>▪ After the call, CMS will send a variety of resources, including the instructions to request access to the CMS zONE Web-broker Community and the Web-broker Agreement for the applicable plan year.</li> </ul>	<ul style="list-style-type: none"> <li>▪ CMS will request times when the prospective web-broker is available to meet and initial operational information prior to the informational interview.</li> </ul>
<b>Integrate with the CMS Data Services Hub (DSH) and EDE APIs</b>	<ul style="list-style-type: none"> <li>▪ The prospective web-broker submits a Hub Onboarding Form to the DSH team to establish a connection to the EDE APIs in the FFE testing environment.</li> <li>▪ Using API companion guides available on CMS zONE, the prospective web-broker will then commence developing its EDE environment and integrating with the applicable APIs.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Submit the Hub Onboarding Form to the DSH team to begin the connection to the Hub, as well as any required materials (e.g., SSL certificates).</li> </ul>
<b>Training</b>	<ul style="list-style-type: none"> <li>▪ The prospective web-broker and its auditor must complete the required training, consistent with Section IX of the EDE Guidelines.</li> <li>▪ The trainings are located on REGTAP (located at the following link: <a href="https://regtap.cms.gov/">https://regtap.cms.gov/</a>).</li> </ul>	<ul style="list-style-type: none"> <li>▪ The prospective web-broker and Auditor are NOT required to submit anything additional to CMS but must retain a copy of the training confirmation webpage to provide to CMS, if requested.</li> </ul>
<b>Submit Business Requirements Evidence</b>	<ul style="list-style-type: none"> <li>▪ The prospective web-broker seeking to become a primary EDE Entity must submit evidence consistent with Section VII of the EDE Guidelines.</li> <li>▪ The prospective web-broker seeking to become a hybrid non-issuer upstream EDE Entity must submit evidence consistent with Sections V.A and XII.A of the EDE Guidelines.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Submit via the CMS designated file sharing platform.</li> <li>▪ Prospective Primary EDE Entity Web-brokers: Submit April 1-July 1 (3:00 AM ET)</li> <li>▪ Prospective hybrid non-issuer upstream submissions are accepted year-round, but to be reasonably certain a prospective upstream EDE Entity will be approved by November 1, CMS strongly recommends that Entities</li> </ul>

Steps	Description	Submission Requirements
		submit the required documentation no later than October 1 or as soon as feasible to allow time to review prior to activating their Partner IDs.
<b>Submit Privacy and Security Requirements Evidence</b>	<ul style="list-style-type: none"> <li>▪ The prospective web-broker seeking to become a primary EDE Entity must submit a privacy and security assessment consistent with Section VIII of the EDE Guidelines.</li> <li>▪ The prospective web-broker seeking to become a hybrid non-issuer upstream EDE Entity must submit a privacy and security assessment consistent with Sections V.A.iv and Section VIII of the EDE Guidelines.</li> <li>▪ Exhibit 1 details the specific submission requirements and deadlines for each element of the privacy and security audit package.</li> <li>▪ Prior to conducting the privacy and security audit, consistent with Exhibit 1, the prospective web-broker must submit an SAP and auditor contract. After doing so, CMS will schedule an audit kick-off call to confirm the scope of the audit and answer any questions from the prospective web-broker or auditor.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Submit via the CMS designated file sharing platform.</li> <li>▪ Prospective primary EDE Entity: April 1 – July 1 (3:00 AM ET)</li> <li>▪ Prospective hybrid non-issuer upstream submissions are accepted year-round, but to be reasonably certain a prospective upstream EDE Entity will be approved by November 1, CMS strongly recommends that Entities submit the required documentation no later than October 1 or as soon as feasible to allow time to review prior to activating their Partner IDs.</li> </ul>
<b>Pre-Approval Website Review</b>	<ul style="list-style-type: none"> <li>▪ CMS will conduct a pre-approval website review for all prospective web-brokers seeking to become a primary or upstream EDE Entity to confirm the prospective web-broker complies with the requirements defined in 45 C.F.R. § 155.220(c)(3)(i).</li> <li>▪ Consistent with Exhibit 2, a web-broker EDE Entity must provide website test environment credentials in response to a request from CMS. CMS will request testing credentials only after the prospective web-broker has submitted the privacy and security audit.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Submit website test environment credentials via the CMS designated file sharing platform, as requested by CMS.</li> </ul>
<b>Approval</b>	<ul style="list-style-type: none"> <li>▪ While reviewing the prospective web-broker’s submitted evidence for the privacy and security requirements and business requirements, CMS will identify any issues that the prospective web-broker must resolve prior to approval.</li> <li>▪ Once the web-broker has resolved any CMS-identified issues to CMS’ satisfaction consistent with Sections VII, VIII, and XI of the EDE Guidelines, CMS will countersign the prospective web-broker’s submitted Web-broker Agreement and approve the web-broker to operate an EDE environment in production.</li> <li>▪ Upon approval, CMS will add the web-broker’s name to the list of approved EDE Entities. The list of approved EDE Entities contains the names of all</li> </ul>	<ul style="list-style-type: none"> <li>▪ Submit required resolution evidence via the CMS designated file sharing platform, as requested by CMS.</li> </ul>

Steps	Description	Submission Requirements
	active web-brokers operating with the FFE. <sup>39</sup> Note: It may take a week or more for CMS to post the update to its public-facing webpage.	

#### ***D. Prospective Web-broker Approval Considerations***

Prospective web-brokers must submit the required business requirements and privacy and security documentation detailed in Section IV and complete the onboarding process detailed in Exhibit 3 before CMS will consider approving the prospective web-broker to operate its EDE environment in production.

CMS reviews all materials submitted by prospective web-brokers and may contact prospective web-brokers with any questions or requests for further documentation. CMS does not guarantee any web-broker onboarding or approval timeframes.

CMS will enable the web-broker’s access in production to use the FFE web services after the prospective web-broker has met both the web-broker operational readiness requirements and the EDE operational readiness requirements for the web-broker’s intended EDE arrangement type.

#### **V. Existing Web-broker Agreement Renewal Processes**

Each year, web-brokers that have been approved will need to proceed through the Web-broker Agreement renewal process. CMS will only renew an existing web-broker’s Web-broker Agreement for the subsequent plan year if the web-broker has submitted an annual ISCM audit (Section IV.A) and the subset of business requirements listed in Exhibit 4. Each year, prior to the expiration of the active Web-broker Agreement for the current plan year, CMS will provide notice via email of the specific processes and documentation needed to complete Web-broker Agreement renewal for the upcoming plan year.

#### **Exhibit 4: Business Requirements for Annual Agreement Renewal**

Requirement	Description	Submission Requirements
<b>Data Request Form</b>	<ul style="list-style-type: none"> <li>Provide license information, points of contact, third-party relationships, and other related data elements (including the National Producer Number (NPN) of the web-broker’s designated representative that has completed Marketplace registration and training for the appropriate plan year for which the agreement is being renewed) to CMS.</li> </ul>	<ul style="list-style-type: none"> <li>Submit via the CMS designated file sharing platform.</li> </ul>
<b>CMS Data Services Hub (Hub) Testing</b>	<ul style="list-style-type: none"> <li>For web-brokers that plan to offer an EDE pathway, the ability to successfully complete an enrollment via the EDE pathway, as demonstrated during testing required to receive approval to use the EDE pathway, satisfies this requirement.</li> </ul>	<ul style="list-style-type: none"> <li>See web-broker testing instructions slide deck on CMS zONE for submission requirements (<a href="https://zone.cms.gov/document/direct-enrollment-de-documents-and-materials">https://zone.cms.gov/document/direct-enrollment-de-documents-and-materials</a>).</li> </ul>

<sup>39</sup> The current list of approved EDE Entities is available on the Enhanced Direct Enrollment Resources webpage: <https://www.cms.gov/marketplace-private-insurance/agents-brokers/enhanced-direct-enrollment>.

Requirement	Description	Submission Requirements
<b>Web-broker Agreement</b>	<ul style="list-style-type: none"> <li>▪ Complete all blank fields and sign the Web-broker Agreement for the applicable plan year.<sup>40</sup></li> </ul>	<ul style="list-style-type: none"> <li>▪ Submit via the CMS designated file sharing platform..</li> </ul>

Web-brokers who fail to complete the Web-broker Agreement renewal process by the expiration date of the current Web-broker Agreement will have their production access to the EDE web services terminated. In order to receive CMS approval as a web-broker again, the web-broker must go through the onboarding process again and satisfy the web-broker privacy and security (Exhibit 1) and business audit (Exhibit 2) requirements detailed in these guidelines.

## VI. Approved Web-broker Monitoring and Oversight

CMS regularly conducts oversight and monitoring of web-broker EDE environments pursuant to 45 C.F.R. § 155.220(c)(5). This may include reviews of test environments or production websites maintained by web-brokers for compliance with applicable program requirements. CMS may suspend a web-broker’s production access to the Hub if a web-broker fails to provide website test environment credentials in response to a request from CMS, consistent with Sections V.a and X.1 of the Web-broker Agreement.

Generally, web-brokers are required to comply with the applicable requirements in 45 C.F.R. §§ 155.205(c), 155.220, 155.260, and 155.221. CMS strongly recommends prospective web-brokers review the regulatory requirements prior to beginning the onboarding process. Additionally, web-brokers must comply with the program requirements in the Web-broker Agreement and the operational technical specifications outlined in applicable program guidance.<sup>41</sup> Web-brokers that operate as EDE Entities must also comply with the program requirements in the EDE Business Agreement and the operational technical specifications in applicable program guidance, including the EDE Guidelines.

## VII. Retiring or Decommissioning the DE Environment

The evolution of business needs and technology may result in obsolete and inadequate IT systems that need to be retired and decommissioned. The decommissioning, data retention, and data disposition activities ensure the orderly decommissioning of the NEE IT systems and the preservation of vital information about those systems. CMS has established the *Decommissioning Plan for Non-Exchange Entities (NEEs)* to minimize risks and negative impacts associated with decommissioning of the IT systems. A web-broker must reference and complete the NEE Decommissioning Plan and NEE Decommissioning Close Out Letter in situations where the EDE Entity will retire or decommission its EDE environment.<sup>42</sup>

<sup>40</sup> The Web-broker Agreement is effective from execution through the day before the first day of the next plan year’s annual open enrollment period (OEP). See 45 C.F.R. § 155.410(e) for more information on the annual OEP.

<sup>41</sup> CMS posts web-broker program guidance at the following link: <https://www.cms.gov/marketplace-private-insurance/agents-brokers/enhanced-direct-enrollment>. Web-brokers should also review the annual Federally-facilitated Exchange (FFE) Enrollment Manual. The latest version of the FFE Enrollment Manual available at the time of publication is available at the following link: <https://www.cms.gov/files/document/ffe-enrollment-manual-2024-5cr-082024.pdf>.

<sup>42</sup> The Non-Exchange Entity (NEE) Decommissioning Plan and NEE Decommissioning Close Out Letter are available on CMS zONE at the following link: <https://zone.cms.gov/document/privacy-and-security-audit>.

Consistent with Section VIII, Termination, of the Web-broker Agreement, a web-broker must provide thirty (30) days' prior written notice to terminate its Agreement with CMS. This written notice must be on company letterhead with a signature from an officer with the authority to bind the entity to the contents.

## **VIII. Document Submission**

CMS requires each prospective and existing web-broker to submit documents to CMS via its designated file sharing system. CMS currently utilizes CMS Box, however, this is subject to change. After the Entity informs CMS that it has entered into an agreement with its auditor(s), CMS will provide the Entity with instructions to access the DE Compliance Documentation Submission Form and upload documentation on CMS Box. Entities can contact DE Support at [directenrollment@cms.hhs.gov](mailto:directenrollment@cms.hhs.gov) for questions about accessing CMS Box.

## **IX. Resources**

### ***A. Help Desk***

In addition to hosting weekly webinars, which include time for interactive questions and answers, CMS currently manages multiple web-broker-facing help desks to address questions; help web-brokers and prospective web-brokers resolve technical problems, operational issues, and other issues; and respond to policy questions. An entity must either remove personally identifiable information (PII) in documents before sending them to the help desks or encrypt the e-mail transmitting the PII.

- Web-brokers with technical issues or questions that concern their technical build or system issues identified in the test or production environment should e-mail the FEPS Help Desk at [CMS\\_FEPS@cms.hhs.gov](mailto:CMS_FEPS@cms.hhs.gov) with the subject line "EDE: Tech Q for [Entity name] on [Topic]." Emails to the FEPS Help Desk will be routed to the appropriate team.
- Web-brokers with technical questions related to Hub onboarding for EDE in general, Hub onboarding for the various EDE APIs, and connectivity issues related to accessing the EDE APIs may alternatively e-mail the Hub Help Desk at [Hubsupport@sparksoftcorp.com](mailto:Hubsupport@sparksoftcorp.com) and [CMS\\_FEPS@cms.hhs.gov](mailto:CMS_FEPS@cms.hhs.gov) with the subject line "DE: API Q for [Entity name] on [Topic]." Emails to the Hub Help Desk will be routed to the appropriate team.
- A Web-broker with a policy or compliance question related to the privacy and security assessment, business requirements, the onboarding process, web-broker program guidance, or the Web-broker Agreement should e-mail DE Support at [directenrollment@cms.hhs.gov](mailto:directenrollment@cms.hhs.gov) with the subject line "Web-broker Q for [Entity name] on [Topic]." CMS may not respond to policy questions on either of these topics if they are not sent to DE Support.

For a timely response, the web-broker representative submitting the question should ensure that e-mails to the FEPS Help Desk and Hub Help Desk include the following information:

- Your contact information (e-mail and phone number).
- Name of your organization and your organization's CMS-issued Partner ID (if the web-broker has an existing Partner ID).

- At the top of the e-mail, please summarize whether the e-mail concerns a EDE technical question, testing issue, or production issue, where possible. Additionally, please note the environment where the issue was encountered, if applicable. This summary will enable the Help Desk to route the e-mail to the right subject matter expert for a more efficient response.
- If reporting on a technical issue encountered in production or while testing EDE, please include the request/response XMLs/JSONs (API requests and responses) for troubleshooting when applicable. If the XMLs/JSONs include PII, EDE Entities must remove PII prior to sending the XML/JSON to the FEPS Help Desk or Hub Help Desk or encrypt the e-mail before sending.

## ***B. Webinars***

CMS presents important EDE updates through the Issuer Technical Workgroup (ITWG) webinar on Tuesdays from 3:00 PM to 4:30 PM ET. The ITWG call is open to all web-brokers and issuers operating in the FFEs or SBE-FPs. CMS will continue to use the ITWG call to update the EDE community on developments related to EDE and offer interactive question and answer time at the end of each session.

To obtain the call-in information for the ITWG webinar, users must register via a one-time Webinar Registration URL for the ITWG meeting series. This URL can be found on CMS zONE.<sup>43</sup>

For all webinars, CMS will make the slides available during or shortly after the presentation. CMS will advertise and update logistical information (dates/times, dial-in numbers, and webinar URLs) on the CMS zONE Private Issuer Community and Web-Broker Community webpage.

## ***C. CMS zONE Communities (Guidance & Technical Resources)***

CMS currently posts all technical information and guidelines, such as those referenced in these guidelines, as well as webinar slide decks, assessment resources, and other documentation, on the CMS zONE DE Documents and Materials webpage at the following link:

<https://zone.cms.gov/document/direct-enrollment-de-documents-and-materials>.

Web-broker privacy and security templates, as well as the Penetration Testing Notification Form, NEE Risk Acceptance Form, and NEE Decommissioning Plan and Close Out Letter, are the same as EDE privacy and security templates, available on CMS zONE at the following link:

<https://zone.cms.gov/document/privacy-and-security-audit>.

This webpage is accessible by members of the Private Issuer Community (for issuers) the Web-Broker Community (for web-brokers), and the EDE Auditor Community (for auditors working with EDE Entities) only. CMS will post all webinar slide decks, and Frequently Asked Questions (FAQs) to these communities, and will highlight updates during the weekly ITWG webinars.

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<sup>43</sup> In order to gain access to the registration link for the Issuer Technical Workgroup webinar, web-brokers, after gaining access to CMS zONE, should join the Enrollment Community. CMS posts information about the enrollment community at the following link: <https://zone.cms.gov/document/enrollment-community>. Note: If you have already registered for this webinar series, please use the login information sent to you by zoom.gov.

CMS will provide updates with further requirements and resources as they become available. A prospective web-broker should regularly check the DE Documents and Materials webpage. Unless otherwise specified, any guidance or requirements stated as forthcoming in these guidelines are expected to be made available through the CMS zONE Communities for EDE.

#### ***D. REGTAP***

CMS will make various web-broker-, EDE-, and agent/broker-related trainings and a list of essential resources available via REGTAP.<sup>44</sup>

#### ***E. Additional Guidance***

- Federally-facilitated Exchange (FFE) Enrollment Manual: <https://www.cms.gov/files/document/ffe-enrollment-manual-2024-5cr-082024.pdf>.<sup>45</sup>
- For a current list of states that run their own State-based Exchange and do not use the Federal Platform, visit <https://www.healthcare.gov/marketplace-in-your-state/>. EDE Entities can use this list with state website links to refer consumers or agents/brokers in these states to their state's website.
  - **Note:** Some states listed use the Federal Platform (HealthCare.gov) for individual coverage but run their own SHOP coverage operations. CMS will provide information to EDE Entities if changes are made in the future.
- Privacy Act of 1974: <http://www.cms.gov/Research-Statistics-Data-and-Systems/Computer-Data-and-Systems/Privacy/PrivacyActof1974.html>.
- The Current Acceptable Risk Safeguards (ARS) documentation: <https://security.cms.gov/policy-guidance/cms-acceptable-risk-safeguards-ars>.
- MCCIO Regulations and Standards: <https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/index.html>.
- HHS Guidance Submissions: <https://www.hhs.gov/guidance/>.
- CMS Risk Management Handbook (RMH) Chapter 08: Incident Response: <https://security.cms.gov/policy-guidance/incident-response-ir>.

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<sup>44</sup> REGTAP can be accessed at the following link: <https://regtap.cms.gov/>.

<sup>45</sup> Note: CMS updates the FFE Enrollment Manual annually.