

## APPENDIX B

### DEFINITIONS

This Appendix defines terms that are used in the Agreement and other Appendices to the Agreement. Any capitalized term used in the Agreement that is not defined here, or in the Agreement or other Appendices, has the meaning provided in 45 CFR 155.20.

- (1) **Affordable Care Act (ACA)** means the Patient Protection and Affordable Care Act of 2010 (Public Law 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), which are referred to collectively as the Affordable Care Act.
- (2) **Advance Payments of the Premium Tax Credit (APTC)** has the meaning set forth in 45 CFR 155.20.
- (3) **Applicant** has the meaning set forth in 45 CFR 155.20.
- (4) **Authorized Function** means a task performed by a Non-Exchange Entity that the Non-Exchange Entity is explicitly authorized or required to perform based on applicable law or regulation, and as enumerated in the Agreement that incorporates this Appendix B.
- (5) **Authorized Representative** means a person or organization meeting the requirements set forth in 45 CFR 155.227.
- (6) **Breach** is defined by OMB Memorandum M-07-16, Safeguarding and Responding to the Breach of Personally Identifiable Information (May 22, 2007), as the compromise, unauthorized disclosure, unauthorized acquisition, unauthorized access, loss of control or any similar term or phrase that refers to situations where persons other than authorized users or for other than an authorized purpose have access or potential access to Personally Identifiable Information (PII), whether physical or electronic.
- (7) **CAC Certificate** means the certificate issued to each CAC by his or her CDO, indicating that he or she has been certified as a CAC, and containing the CAC's name and unique CAC identification number.
- (8) **CCIIO** means the Center for Consumer Information and Insurance Oversight within the Centers for Medicare & Medicaid Services (CMS).
- (9) **Certified Application Counselor (CAC)** means a staff member or volunteer who is certified by a Certified Application Counselor Designated Organization to perform the duties and meet the standards and requirements for CACs in 45 CFR 155.225.
- (10) **Certified Application Counselor Designated Organization (CDO)** means an organization designated by the Federally-facilitated Exchange to certify its staff members or volunteers to act as CACs.

- (11) **CMS** means the Centers for Medicare & Medicaid Services.
- (12) **Consumer** means an Applicant, Enrollee, Qualified Individual, Qualified Employer, or Qualified Employee, and (if applicable) their legal or Authorized Representatives, or any individual who presents himself or herself for assistance related to an Authorized Function from a Non-Exchange Entity, or who is offered assistance related to an Authorized Function by a Non-Exchange Entity, as applicable.
- (13) **Cost-sharing Reduction (CSR)** has the meaning set forth in 45 CFR 155.20.
- (14) **Day or Days** means calendar days unless otherwise expressly indicated in the relevant provision of the Agreement that incorporates this Appendix B.
- (15) **Designated Privacy Official** means a contact person or office responsible for receiving complaints related to Breaches or Incidents, able to provide further information about matters covered by the Non-Exchange Entity privacy notice statement required by Section (1) of Appendix A of the Agreement that incorporates this Appendix B, responsible for the development and implementation of the privacy and security policies and procedures of the Non-Exchange Entity, and responsible for ensuring the Non-Exchange Entity has in place appropriate safeguards to protect the privacy and security of PII.
- (16) **Downstream Entity** means any party that enters into an agreement with CDO or with another Downstream Entity for purposes of providing services related to the agreement between CDO and CMS. The term “downstream entity” is intended to reach the entity that directly provides services to Consumers.
- (17) **Enrollee** has the meaning set forth in 45 CFR 155.20.
- (18) **Exchange** has the meaning set forth in 45 CFR 155.20.
- (19) **Federally-facilitated Exchange (FFE)** means an **Exchange** (or **Marketplace**) established by HHS and operated by CMS under Section 1321(c)(1) of the ACA for individual or small group market coverage, including the Federally-facilitated Small Business Health Options Program (**FF-SHOP**). **Federally-facilitated Marketplace (FFM)** has the same meaning as FFE.
- (20) **HHS** means the U.S. Department of Health & Human Services.
- (21) **Incident**, or **Security Incident**, means the act of violating an explicit or implied security policy, which includes attempts (either failed or successful) to gain unauthorized access to a system or its data, unwanted disruption or denial of service, the unauthorized use of a system for the processing or storage of data; and changes to system hardware, firmware, or software characteristics without the owner’s knowledge, instruction, or consent.

- (22) **Information** means any communication or representation of knowledge such as facts, data, or opinions in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual.
- (23) **Insurance Affordability Program** means a program that is one of the following:
- (1) A State Medicaid program under title XIX of the Social Security Act.
  - (2) A State children's health insurance program (CHIP) under title XXI of the Social Security Act.
  - (3) A State basic health program established under section 1331 of the Affordable Care Act.
  - (4) A program that makes coverage in a Qualified Health Plan through the Exchange with Advance Payments of the Premium Tax Credit established under section 36B of the Internal Revenue Code available to Qualified Individuals.
  - (5) A program that makes available coverage in a Qualified Health Plan through the Exchange with Cost-sharing Reductions established under section 1402 of the Affordable Care Act.
- (24) **Navigator** has the meaning set forth in 45 CFR 155.20.
- (25) **Nominal Value** means having a cash value of \$15 or less, or having worth of \$15 or less, based on the retail purchase price of the item, regardless of the actual cost.
- (26) **Non-Exchange Entity** has the meaning at 45 CFR 155.260(b), and includes but is not limited to Certified Application Counselor Designated Organizations, and Certified Application Counselors under agreement with a Certified Application Counselor Designated Organization.
- (27) **OMB** means the federal government's Office of Management and Budget.
- (28) **Personally Identifiable Information (PII)** has the meaning contained in OMB Memoranda M-07-16 (May 22, 2007) and means information which can be used to distinguish or trace an individual's identity, such as their name, social security number, biometric records, *etc.*, alone, or when combined with other personal or identifying information that is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, *etc.*
- (29) **Qualified Employee** has the meaning set forth in 45 CFR 155.20.
- (30) **Qualified Employer** has the meaning set forth in 45 CFR 155.20.
- (31) **Qualified Health Plan (QHP)** has the meaning set forth in 45 CFR 155.20.
- (32) **Qualified Individual** has the meaning set forth in 45 CFR 155.20.
- (33) **Security Control** means a safeguard or countermeasure prescribed for an information system or an organization designed to protect the confidentiality, integrity, and availability of its information and to meet a set of defined security requirements.

- (34) **State** means the State where the Non-Exchange Entity that is a party to this Agreement is operating.
- (35) **State Partnership Exchange (SPE)** means a type of FFE in which a State engages actively with the federal government in the operation of certain aspects of the FFE.
- (36) **Training Certificate** means the certificate issued to each potential CAC by the Medicare Learning Network upon their completion of the required CMS-approved training courses and examinations.
- (37) **Web** means the World Wide Web.
- (38) **Workforce** means a Non-Exchange Entity's or FFE's employees, agents, contractors, subcontractors, officers, directors, agents, representatives, and any other individual who may create, collect, disclose, access, maintain, store, or use PII in the performance of his or her duties.