

# Navigators and Agents/Brokers

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
CENTERS for MEDICARE & MEDICAID SERVICES  
Center for Consumer Information and Insurance Oversight

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# Agents and Brokers: Exchange Final Rule

- Exchange final rule provides States discretion to permit agents and brokers to enroll qualified individuals and employers/employees in QHPs in the individual and small group markets.
- States have flexibility to use agents and brokers to:
  - Enroll qualified individuals in a QHP in a manner that constitutes enrollment “through the Exchange” (supports access to advance payments of the premium tax credit and cost-sharing reductions)
  - Assist individuals in applying for advance payments of premium tax credit and cost-sharing reductions
- States may elect to provide information regarding licensed agents and brokers on the Exchange website for the convenience of consumers.

# Agents and Brokers: Enrollment Through Exchange and APTC Assistance

- If the State elects to allow agents and brokers to work with qualified individuals in enrolling in QHPs “through the Exchange” and assist in applying for advance payments of the premium tax credit and cost-sharing reductions, the agent or broker must:
  - Ensure that the individual completes the eligibility verification and enrollment application using the Exchange website
    - Enrollment information must be transmitted by the Exchange to the QHP issuer so that the issuer can effectuate enrollment
    - In case of web-broker, their website may also be integrated (see next slide)
  - Adhere to applicable State law and regulations
  - Comply with the terms of an agreement with the Exchange, under which:
    - Agent/broker registers with the Exchange
    - Receives training on QHP options and affordability programs
    - Complies with Exchange privacy and security requirements

# Web-Brokers: Enrollment Through Exchange

- Final rule provides option for States to permit web-brokers to assist qualified individuals in enrolling in QHPs “through the Exchange” and in applying for advance payments of the premium tax credit and cost-sharing reductions
  - Agent/broker website may be used to provide alternate plan comparison/shopping and selection venue; may help draw consumers to Exchange and QHPs
  - Not intended to replace Exchange website
- Web-brokers must comply with all agent/broker requirements
- Web-brokers’ websites must meet the following additional requirements:
  - Follow final rule’s website standards for disclosure/display of QHP information
  - Provide ability to view all QHPs offered through Exchange
  - Not provide financial incentives for enrollment (e.g., rebates, giveaways)
  - Display all QHP data provided by Exchange
  - Maintain records and audit trail for 10 years
  - Ensure consumers can withdraw and go to Exchange website

# Agent and Brokers: Possible Scenarios

## Potential Example 1: Traditional Agent or Broker on Exchange Web Site

*All* activities take place on Exchange website

“Traditional” agents and brokers work one-on-one with individuals to help them complete the application process, receive an eligibility determination, and select and enroll in a QHP.

# Agent and Brokers: Possible Scenarios

## Potential Example 2: Web-broker provides Alternate Plan Compare and Selection Process

Interfaces between Exchange and web broker create a seamless consumer experience

*Web-broker:*  
Consumer visits web-broker site. If consumer seeks enrollment in a QHP “through the Exchange,” web-broker seamlessly passes consumer to Exchange for eligibility determination.

*Exchange:*  
Consumer completes application and receives eligibility determination on Exchange Web site.

*Web-broker:*  
Consumer compares QHPs and makes selection on web-broker site. Web-broker transmits individual’s QHP selection to Exchange to finalize enrollment.

*Exchange:*  
Upon receiving individual’s QHP selection from web-broker, Exchange sends final enrollment transaction to QHP issuer to allow issuer to effectuate enrollment.

# Agent/Broker Enrollment Through Exchange: Key Takeaways

- For all agents and brokers, including web-brokers:
  - “Enrollment through the Exchange” is critical for individuals seeking advance payments of premium tax credit and cost-sharing reductions
  - Agent/broker/web-broker facilitates enrollment, but Exchange transmits enrollment information to QHP issuer
  - Exchange can provide information to QHP issuers identifying the agent, broker or web-broker as part of the enrollment transaction, thereby supporting compensation of agents, brokers, and web-brokers by issuers
  - Must enter into agreements with the Exchange, maintain State licensure, complete training and adhere to privacy/security policies
- For web-brokers only:
  - Provide a seamless consumer experience and meet additional consumer protection requirements
  - Must display all on its website all QHPs offered on the Exchange and facilitate enrollment into all such QHPs
  - Must meet same standards for website display of QHP information

# Individual Market Exchange vs. SHOP

- Individual Market Exchange:
  - Agents and brokers must:
    - Be familiar with affordability programs, including Medicaid, advance premium tax credits and cost-sharing reductions, and must understand income requirements
    - Sign agreement, complete training and adhere to privacy rules
  - States may apply additional conditions beyond Federal minimum standards
- SHOP
  - States have flexibility to specify conditions with respect to agent/broker assistance in enrolling through SHOP
  - Agreement with SHOP is not required in final rule, but is recommended
    - Recommended training would cover unique features of SHOP, including employee choice model, employer contribution options, premium aggregation, etc.
    - Expected role of brokers in SHOP environment should also be addressed, including ongoing customer service and online enrollment expectations



# Exchange Navigator Program

- Exchanges must establish a grant program to fund entities or individuals called “Navigators” that will provide consumer assistance and will:
  - Maintain expertise regarding Exchanges,
  - Provide all information to consumers in a fair, accurate and impartial manner,
  - Facilitate QHP selection,
  - Refer consumers to other resources, and
  - Provide information in a culturally and linguistically accessible manner.
- Exchanges must select at least two types of entities to be Navigators, one of which must be a community or consumer-focused non-profit.
- Navigators cannot accept indirect or direct compensation from issuers for enrolling individuals in QHPs or other health plans offered outside of the Exchange.

# Exchange Navigator Program

- Exchanges must develop conflict of interest standards that will apply to all entities and individuals serving as Navigators.
- Exchanges must develop training standards that will apply to all entities and individuals serving as Navigators. These standards will ensure that Navigators have expertise in at least:
  - The needs of underserved and vulnerable populations;
  - Eligibility and enrollment rules and procedures;
  - The range of QHP options and insurance affordability programs; and,
  - The privacy and security standards that apply to the Exchange.
- HHS will release model standards in three areas in the coming year: conflict of interest, training, and cultural and linguistic competency.