

# FEDERAL-STATE PARTNERSHIP EXCHANGE

CONSUMER ASSISTANCE PROGRAM

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# CONSUMER ASSISTANCE PROGRAM OVERVIEW

- Section 13.2 and corresponding subsections of the Exchange Blueprint lay out the Consumer Assistance requirements that must be met in a partnership model.
  - 13.2: The state has the capacity to interface with the Federally-facilitated Exchange, as necessary, to ensure a seamless consumer experience
    - 13.2a: The state and the applicable state agencies have the capacity to conduct necessary coordination with the Exchange regarding customer service, outreach, and education.
    - 13.2b: The applicable state agencies have the capacity to share data with the Exchange that is needed to support the eligibility process for Insurance Affordability Programs.

# CONSUMER ASSISTANCE PROGRAM OVERVIEW

- There are four entities recognized by the Fed's to provide "other in-person assistance":
  - Navigators
  - Marketplace Assistors
  - Community Assistors
  - Agents/Brokers
- Additional guidance on the Consumer Assistance program in a Federal-State Partnership Exchange is to be released within the month of September 2012.

# NAVIGATOR PROGRAM

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- The ACA lays out specific requirements for the Navigator Program with respect to the Health Benefit Exchange.
- The Navigator is responsible for outreach and enrollment into qualified health plans accessed through the Health Benefit Exchange.
- The feds are responsible for the funding mechanism that will pay for Navigators in a partnership, although establishment grant funding is not an allowed resource.

# PARTNERSHIP EXCHANGE ACTIVITIES – NAVIGATOR PROGRAM

- Section 13.3 and its corresponding subsection of the Exchange Blueprint discuss the state requirements with respect to the Navigator Program.
- 13.3: The appropriate state entity has appropriate agreements in place and capacity to manage and operate a Navigator program and to establish and operate an in-person assistance program for an SPE.
- 13.3a: The appropriate State entity has established or has a process in place to support, administer, and oversee (as applicable) aspects of the Federally-facilitated Exchange Navigator program consistent with the applicable requirements of 45 CFR 155.210, including ensuring that Navigators are adhering to the training and conflict of interest standards established by the Federally-facilitated Exchange and to the privacy and security standards developed by the Federally-facilitated Exchange pursuant to 45 CFR 155.260.

# WHO CAN BE A NAVIGATOR?

- The ACA specifies different types of entities that are eligible to provide Navigator services, including:
  - Community and Consumer-Focused non-profits
  - Trade, industry, and professional associations
  - Commercial fishing industry organizations
  - Ranching and farming organizations
  - Chambers of Commerce
  - Unions
  - Partners of the Small Business Association
  - Licensed insurance agents and brokers
  - Other entities capable of carrying out required duties

# NAVIGATOR DUTIES

- Conduct public education activities to raise awareness of the availability of QHPs;
- Distribute fair and impartial information about enrollment in QHPs and the availability of premium tax credits;
- Facilitate enrollment in QHPs;
- Provide referrals to an office of health insurance consumer assistance or any other appropriate state agencies for any enrollee with a grievance, complaint, or question regarding their health plan;
- Provide information in a manner that is culturally and linguistically appropriate to the needs of the population served by the Exchange

# ADDITIONAL NAVIGATOR INFORMATION

- Certification for the Navigator program is provided at the federal level; the state has the option to design training beyond this base-level foundation.
- 1311 funding is not an available funding source for the Navigator program.
- The Navigator program will have a database to track individuals registered within the state and a possible crosscheck system with the agent portal to help reduce fraud.
- Feds would determine need for Navigator program within state (e.g. # required, location, etc.), but state may have input until award is issued.

# MARKETPLACE ASSISTORS

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- Section 13.3b of the Exchange Blueprint states the appropriate State entity has established an in-person assistance program distinct from the Navigator program, and has a process in place to operate the program consistent with Federally-facilitated Exchange guidance, policies, and procedures.

# MARKETPLACE ASSISTOR INFORMATION

- Marketplace Assistors will partake in the same activities as Navigators, but are not required by statute to fulfill all of the obligations (e.g. some Assistors could do outreach, others could assist with enrollment).
- 1311 funding will be available for this program, but guidance has not been released yet on how program will sustain beyond establishment grant period.
- Marketplace Assistors will be procured through contracts. Grants will be issued on a yearly basis.
- An uptake in Marketplace Assistors is expected during open enrollment, with only a limited number being year-round.

# COMMUNITY ASSISTORS

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- Community Assistors will be entities that take their own initiative to assist consumers in learning about health insurance and enrolling in coverage.
- The Community Assistors program will have no federal ties.
- The Feds are looking for each state to define the role of the program.
- There is a possibility of use of 1311 funding for development of a training program for these individuals to help ensure a consistent message is being delivered by all groups, but unsure at this time.

# AGENTS/BROKERS

# AGENTS, BROKERS, AND ISSUERS

- Agents and brokers are allowed to participate in the Exchange as a Navigator, however, they shall not receive any consideration directly or indirectly from any health insurance issuer in connect with the enrollment of any qualified individuals, or employees of a qualified employer, in a qualified health plan. (Sec. 155.210(D))
- Health insurance issuers or subsidiaries of health insurance issuers are not eligible to be Navigators.
- Agents are still permitted to sell QHPs within the Exchange market and receive compensation even if they are not Navigators.

# RECOMMENDATIONS

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- If the state chooses to move forward with a Consumer Assistance Partnership, the state retains some authority over specific items, including:
  - State-level training beyond federal requirements that would make program “more West Virginian” and tailor it to best meet the needs of WVians.
  - Oversight activities (e.g. marketing); will work in collaboration with Feds on other fraud oversight. With work with Feds on complaints, conflicts of interest, and developing quarterly reports on programs.
  - Funding approach and specifications for Marketplace Assistor Program will be at the state’s discretion as we will be the responsible party for issuing grants to state-selected entities.
- Until further guidance is issued, I do not believe a definitive decision can be made, however, given current information, it appears to be in the best interest of our citizens to take part in a Consumer Assistance Partnership.

# QUESTIONS

# QUESTIONS THAT REMAIN

- Assuming a lack of restrictions on Marketplace Assistors, will any provisions be made regarding agents?
- Will Navigators be able to facilitate enrollment of Medicaid-eligible consumers or just refer to agency?
- How will the Navigator program be funded? Is this a requirement of the state in an SPE or will Feds cost allocate in some manner?
- How will state regulate Navigators, Marketplace Assistors, and Community Assistors if no Legislation exists?

# ADDITIONAL QUESTIONS

- How will Marketplace Assistors be funded beyond establishment grant?
- Will Medicaid use the FFE portal?
- Will the state be required to place Marketplace Assistor contracts out for competitive bid or can state enter into MOUs with third parties of their choice?