



COVERED CALIFORNIA POLICY AND ACTION ITEMS
November 17, 2016 Board Meeting

INDIVIDUAL ELIGIBILITY AND ENROLLMENT REGULATIONS EMERGENCY READOPTION

Bahara Hosseini, Legal

INDIVIDUAL ELIGIBILITY AND ENROLLMENT REGULATION

PROPOSED CHANGES

- Modifying the language pertaining to verification of family size and household income.
- Adding new language regarding the Exchange requesting MAGI-based income data for all individuals that are counted in a tax filer's household income.
- Adding new language regarding verification procedures for an applicant's attestation of projected household income.
- Modifying language regarding an applicant's household income being within the Medi-Cal or CHIP MAGI-based income standard and removing inapplicable language pertaining to reasonable compatibility.

INDIVIDUAL ELIGIBILITY AND ENROLLMENT REGULATION PROPOSED CHANGES

- Changing the annual income threshold from 10% to 25% and incorporating verification procedures within the same section.
- Updating the Reasonable Opportunity Period to refer to a 95-day period.
- Updating language regarding ineligibility for APTC or CSR if the consumer (1) fails to respond to a 95-day Reasonable Opportunity Period or (2) if the data indicates the consumer is eligible for full-scope Medi-Cal or CHIP.

INDIVIDUAL ELIGIBILITY AND ENROLLMENT REGULATION

PROPOSED CHANGES

- Revising the language regarding qualified individuals gaining and losing dependents and clarifying that loss of a dependent or status as a dependent qualifying life event only applies to current enrollees.
- Removing language that allows QHP issuers to determine termination dates.
- Removing language pertaining to effective termination dates for enrollees newly eligible for “restricted Medi-Cal coverage of pregnancy-related services” and adding “full-scope” when referring to Medi-Cal or CHIP.
- Adding new language that grants an appellant eligibility pending appeal (continued enrollment) for an appeal of an erroneous termination of enrollment.

ENROLLMENT ASSISTANCE REGULATIONS

Drew Kyler, Branch Chief, Outreach and Sales Division

NAVIGATOR GRANT PROGRAM REGULATIONS

- In October 2016, the Covered California Board approved the posting of a proposed amendment to the Navigator Program Regulations. The proposed amendment requires :
 - Covered California to cover the fingerprinting costs for Certified Enrollment Counselors.
 - Covered California provide training to counselors on available resources for consumers who require tax advice and assistance with tax preparation.
 - Counselors provide information regarding the process of filing Exchange eligibility appeals.
 - Counselors provide targeted assistance to serve underserved and vulnerable populations, as identified by the Exchange, within the Exchange service area.

NAVIGATOR GRANT PROGRAM

- Counselors provide referrals to the appropriate agency for enrollees with a grievance, complaint, or question regarding their health plan, coverage, or eligibility determination.
- Counselors provide consumers with referrals to licensed tax advisers and premium tax credit reconciliations.
- Counselors inform consumers that they are not acting as tax advisors or attorneys and cannot provide tax or legal advice within their capacity as Certified Enrollment Counselors.

NAVIGATOR GRANT PROGRAM

- Counselors have the option of providing gifts for purposes other than as an inducement for enrollment. The value of gifts must not exceed a nominal value equal to or less than \$15, either individually or in the aggregate, when provided to that individual during a single encounter. Counselors still may not provide gifts of any value to induce enrollment.
- Comments were received about certified tax preparers and gifts. The language was changed to accommodate the comments.
- Request Board approval to adopt the amendment

NAVIGATOR GRANT PROGRAM

- Proposed Amendments to the Navigator Grant Program Regulations:
- §6658 (d) Costs (1)
 - The Exchange shall pay the costs incurred by individuals whose duties require fingerprinting under subdivision (a) of this Section. ~~until December 31, 2015. After December 31, 2015, background check costs for individuals seeking certification under this Article shall be paid by the Certified Enrollment Entity.~~

NAVIGATOR GRANT PROGRAM

- Proposed Amendments to the Navigator Grant Program Regulations:
 - §6660 Training Standards (b)
 - (3) The tax implications of enrollment decisions and the available resources for consumers who require tax advice and assistance with tax preparation;

NAVIGATOR GRANT PROGRAM

- Proposed Amendments to the Navigator Grant Program Regulations:
- §6664 Roles and Responsibilities (a)
 - (8) For Certified Enrollment Entities only, maintain a physical presence in the state of California so that face-to-face assistance can be provided to applicants and enrollees; and
 - (9) Provide information regarding the process of filing Exchange eligibility appeals;

NAVIGATOR GRANT PROGRAM

- Proposed Amendments to the Navigator Grant Program Regulations:
- §6664 Roles and Responsibilities (a)
 - (9)-(10) Provide referrals to licensed tax advisers, tax preparers, or other resources for assistance with tax preparation and tax advice related to consumer questions about the Exchange application and enrollment process, exemptions from the requirement to maintain minimum essential coverage and from the individual shared responsibility payment, and premium tax credit reconciliations;

NAVIGATOR GRANT PROGRAM

- Proposed Amendments to the Navigator Grant Program Regulations:
- §6664 Roles and Responsibilities (a)
 - (11) Inform each consumer that Certified Enrollment Entities and Certified Enrollment Counselors are not acting as tax advisors or attorneys when providing enrollment assistance and cannot provide tax or legal advice within their capacity as a Certified Enrollment Entity or Certified Enrollment Counselor;

NAVIGATOR GRANT PROGRAM

- Proposed Amendments to the Navigator Grant Program Regulations:
- §6664 Roles and Responsibilities (a)
 - (12) Provide targeted assistance to serve underserved or vulnerable populations, as identified by the Exchange, within the Exchange service area; and
 - (13) Comply with any applicable federal or state laws and regulations.

NAVIGATOR GRANT PROGRAM

- Proposed Amendments to the Navigator Grant Program Regulations:
- §6664 Roles and Responsibilities (h)(11)
 - Provide gifts, including gift cards or cash or provide promotional items that market or promote the products or services of a third party, to any applicant or potential enrollee as an inducement for enrollment. The value of gifts provided to applicants and potential enrollees for purposes other than as an inducement for enrollment must not exceed nominal value, either individually or in the aggregate, when provided to that individual during a single encounter.

NAVIGATOR GRANT PROGRAM

- Proposed Amendments to the Navigator Grant Program Regulations:
- §6664 Roles and Responsibilities (h)(11)
 - The nominal value is equal to or less than \$15. Gifts of nominal value may not include beer, wine, liquor, cigarettes, tobacco, or lottery tickets Gifts, gift cards, or cash may be provided for the purpose of providing reimbursement for legitimate expenses incurred by a consumer in effort to receive Exchange application assistance, such as, but not limited to, travel or postage expenses;