

**COVERED CALIFORNIA COMMENTS ON CMS APRIL 5, 2013, PROPOSED RULES**

**Standards for Navigators and Non-Navigator Assistance Personnel**

**45 CFR Part 155**

[CMS-9955-P]

RIN 0938-AR75

| PROPOSED REGULATORY REQUIREMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | CALIFORNIA COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <p><b>§ 155.215 Standards applicable to Navigators and non-Navigator Assistance Personnel carrying out consumer assistance functions under §§ 155.205(d) and (e) and 155.210 in a Federally-facilitated Exchange and to non-Navigator Assistance Personnel Funded Through an Exchange Establishment Grant.</b></p> <p><b>(a) Conflict of Interest standards</b></p> <p>1. Conflict-of-interest standards for Navigators</p> <ul style="list-style-type: none"> <li>i. Written attestation that Navigator entity and staff does not have a prohibited conflict of interest listed in 155.210(d).</li> <li>ii. Written plan for the Navigator entity (not individual staff, unless individual is working solo) to remain free of conflicts</li> <li>iii. Directs Navigator entities and individual staff to provide information to consumers about the full range of QHP options and insurance affordability programs.</li> <li>iv. Certain conflicts of interests that are not a bar to serving as a Navigator must be disclosed by the entity and the individual staff to the Exchange and to each consumer receiving application assistance. (Application assistance includes pre and post enrollment services but not include outreach and education). These conflicts include: <ul style="list-style-type: none"> <li>A. Any lines of insurance business intended to be sold by the Navigator while serving as a Navigator.</li> <li>B. Any existing and former employment relationship by the individual staff, their spouse or domestic partner</li> </ul> </li> </ul> | <p>(a) (1) (ii) Covered California believes the requirements related to the written plan for Navigators and non-Navigator assistance personnel will be duplicative of other agreements between Covered California and non-Navigator assistance personnel. Covered California requests clarification that contracts or other written agreements between an Exchange and Navigators and non-Navigator assistance personnel are an effective satisfaction of the written plan requirement.</p> |

**Covered California: California's Health Benefit Exchange  
Comments on CMS Proposed Rules on Navigators and Non-Navigator Assistance Personnel**

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| <p>within the past five years with any of the prohibited parties in 155.210(d).</p> <p>C. Any existing or anticipated financial, business, or contractual relationships with any of the prohibited parties.</p> <p>2. Conflict-of-interest Standards for Non-Navigator Assistance Personnel Carrying out Consumer Assistance Functions under 155.205(d) and (e)</p> <ul style="list-style-type: none"> <li>i. Comply with Navigator conduct of 155.210(d)</li> <li>ii. Written attestation (same as Navigator)</li> <li>iii. Written plan (same as Navigator)</li> <li>iv. Provide information (same as Navigator)</li> <li>v. Disclose (same as navigator)</li> </ul> <p><b>(b)</b> Training standards for Navigators and non-Navigator Assistance Personnel carrying out consumer assistance function under 155.205(d) and (e) and 155.210.</p> <p>1. Certification and recertification standards.</p> <ul style="list-style-type: none"> <li>i. Obtain certification by the Exchange prior to any consumer assistance.</li> <li>ii. Register for and complete HHS approved training</li> <li>iii. Complete and achieve a passing score on all approved certification examinations.</li> <li>iv. Obtain continuing education and be certified and/or recertified on at least an annual basis; AND</li> <li>v. Be prepared to serve both the SHOP and the individual Exchange.</li> </ul> <p>2. Training Module Content</p> <ul style="list-style-type: none"> <li>i. QHPs and the metal tiers</li> <li>ii. Insurance affordability programs</li> <li>iii. Tax implications</li> <li>iv. Eligibility for APTC and CSR.</li> <li>v. Contact info</li> <li>vi. Basic health insurance concepts.</li> <li>vii. Eligibility and enrollment rules, including appeals</li> <li>viii. Culturally and linguistically appropriate services.</li> </ul> | <p>(b)(1)(ii) Covered California seeks confirmation that HHS approved training does not apply to State-Based Exchanges.</p> <p>(b)(1)(v) Covered California does not agree with the proposed requirement that non-Navigator assistance personnel be required to serve the SHOP market. Consistent with current market practice, Covered California intends to use certified agents to facilitate enrollment in the SHOP. While we intend to train non-Navigator assistance personnel in basic elements of the SHOP, providing the training necessary for them to complete a group enrollment would be both costly and duplicative of services provided today by agents. We request that this</p> |
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**Covered California: California’s Health Benefit Exchange  
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| <ul style="list-style-type: none"> <li>ix. Ensuring physical and other accessibility for people with a full range of disabilities.</li> <li>x. Understanding the difference among health plans.</li> <li>xi. Privacy and security standards.</li> <li>xii. Working effectively with individuals with limited English proficiency, people with a full range of disabilities, and vulnerable, rural, and underserved populations.</li> <li>xiii. Customer services standards</li> <li>xiv. Outreach and Education methods and strategies.</li> <li>xv. Applicable administrative rules, processes and systems related to Exchanges</li> </ul> | <p>requirement be removed from the final regulation.</p> <p>(b)(2)(vii) Although Covered California does plan for outreach and education grantees to be trained in enrollment, they will not be trained in the details of enrolling consumers as their role is narrowly defined. We seek confirmation that when a state-based Exchange has separate but complementary outreach and education, and enrollment programs, this approach is compliant with the proposed regulation.</p> |
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