

PLAN-BASED ENROLLERS PROPOSED REGULATIONS

Dan Frey, Policy Advisor, Covered California

THE BIG PICTURE: PLAN-BASED ENROLLMENT REGULATIONS

- Creates Pathway for consumer enrollment assistance to be provided by health plans
- Requires training for all “Plan-Based Enrollers”
- Requires same consumer protection, fingerprinting and background checks as for all enrollment counselors
- Requires appropriate handling of information to protect privacy of consumers and firewalls of data
- Requires clear disclosure to consumers regarding availability of all QHPs through Covered California

PLAN-BASED ENROLLER REGULATIONS TIMELINE

Activity	Proposed Timeline
Stakeholders Advisory Group Review of Plan-Based Enrollment Guidelines	May - August
Board Meeting (Discussion of Proposed Regulations)	August 22
Additional Stakeholder Input	August 26- September 18
Board Meeting (Proposed Regulations)	September 19

PLAN-BASED ENROLLMENT REGULATIONS

Article and Sections of the Proposed Plan-Based Enrollment Regulations:

Article 9. Plan-Based Enrollers	
Sections:	Table of Contents:
§ 6700	Definitions
§ 6702	Certified Plan-Based Enrollment Program Eligibility Requirements
§ 6704	Program Application
§ 6706	Training and Certification Standards
§ 6708	Certified Plan-Based Enroller Fingerprinting and Criminal Record Checks
§ 6710	Roles & Responsibilities
§ 6712	Conflict of Interest Standards
§ 6714	Compensation
§ 6716	Suspension and Revocation
§ 6718	Appeals Process

PLAN-BASED ENROLLMENT REGULATIONS

Summary of § 6700 & § 6710

Medi-Cal & MMCPs:

Stakeholder Comment: Medi-Cal Managed Care Plans are interested in supporting enrollment. Federal rules restrict the issuer-based pathway to QHP issuers.

- Covered California is working with DHCS to create a new Certified Application Counselor (CAC) program that Medi-Cal Managed Care Plans that are not QHPs could qualify for.
- Medi-Cal plan selection will not occur through the PBEs until CalHEERS has been programmed to allow a beneficiary to select a Medi-Cal managed care plan (MMCP)

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Summary of § 6700

Definition of “Cold-Calling”

Stakeholder Concern: Need for better definition of “cold calling”

- A Plan-Based Enrollment Entity or Plan-Based Enroller’s unsolicited outgoing phone calls that were not prompted by a permissible lead, to an individual that has not expressed an interest in the PBE’s QHPs in the Individual Exchange. Permissible leads include lists that are consumer opt-in and outreach to a PBEE’s current or former members

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Summary of § 6710

Roles & Responsibilities

Stakeholder Concern: Need to assure privacy protection and assure that no information is used for health-based screening or selection.

- Privacy Protections Prohibit:
 - Asking, viewing or obtaining claims data information while providing application assistance;
 - Asking, viewing or obtaining health status information including any pre-existing conditions for purposes other than connecting the consumer to the appropriate IAP;
 - Violating conflict of interest standards in Section 6712;
 - Retaining any information related to income, citizenship or immigration status, and
 - Retaining any information collected during the eligibility determination.

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Summary of § 6700 & § 6710

Assuring Compliance with CDI – Agent Oversight

- CDI-licensed Agents must handle plan selection and enrollment in CDI QHPs
- Issuer Application Assistors (non-agents) may only help consumers with the subsidy eligibility process for Plan Based Enrollment Entities that offer CDI QHPs
- Issuer Application Assistors working for Plan Based Enrollment Entities that offer CDI-regulated plans must transfer the consumer to a CDI-licensed agent for plan selection and enrollment

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Stakeholder Feedback: Need to assure language and disability access.

CLAS Language and Disability Requirements

- Plan Based Enrollers training must include components on culturally and linguistically appropriate service, and access to consumers with a full range of disabilities (§6706).
- Clear provisions regarding program requirements to provide services in culturally and linguistically appropriate manner (§6710), with added term of enabling PBE's to transfer consumers to the Exchange where services are not otherwise required by state or federal law.