

Date: August 15, 2014

From: Lisa Campbell, Director, Consumer Support Group

Title: **CMS Enrollment Assister Bulletin: 2014-01**

Subject: Guidance Regarding Training, Certification, and Recertification for Navigator Grantees, Certified Application Counselors, and Non-Navigator Assistance Personnel in the Federally-facilitated Marketplaces

I. Purpose

In preparation for the Open Enrollment Period beginning November 15, 2014 for the 2015 plan year in the individual market, CMS is updating the Navigator, non-Navigator assistance personnel, and certified application counselor (CAC) training curriculum for the Federally-facilitated Marketplaces, including State Partnership Marketplaces. The updated training will be available in early September. In this bulletin, we refer to this updated training curriculum as the “2015 training” and refer collectively to these assister types as “assisters.” To allow current assisters to take advantage of the full scope of improvements and updates to the training modules, all assisters, whether they are seeking recertification or initial certification, will be required to complete the 2015 training.

We anticipate that the 2015 training for Navigators, CACs, and non-Navigator assistance personnel will be available in early September 2014 through the Medicare Learning Network (MLN). CCIIO will provide future updates to announce the exact date when the 2015 training will be available. To prepare for the 2015 training, the MLN training site will be taken down for several weeks prior to the new training being available. During this period, it will not be possible for Navigators, non-Navigator assistance personnel, or CACs to take any Federally-facilitated Marketplace training. We believe this will be of minimal impact to current assisters, most of whom are already trained for 2014.

This bulletin provides guidance on training, certification, and recertification requirements and procedures for Navigators, CACs, and CAC designated organizations in the Federally-facilitated Marketplaces. Specific guidance for non-Navigator assistance personnel will be provided to these programs separately.

II. Certification and Recertification Requirements for the Navigator Program in Federally-facilitated Marketplaces

Recertification requirements applicable to 2013 CMS Navigator grantees

CMS regulations require all Navigators in Federally-facilitated Marketplaces (including State Partnership Marketplaces) to obtain continuing education and be certified and/or recertified on at least an annual basis.¹ Staff and volunteers of CMS’s 2013 Navigator grantees in the Federally-facilitated Marketplaces who completed training during the 2013-2014 grant period received certificates from CMS listing an expiration date of August 14, 2014. Accordingly, individual Navigators will need provisional certificates in order to continue to carry out consumer assistance activities under the Navigator grant after that date.

If a 2013 CMS Navigator grantee receives a no-cost extension of the project period under its 2013 CMS grant, CMS will issue provisional certificates to those members of the grantee’s current, eligible Navigator staff who wish to continue carrying out consumer assistance activities under the no-cost extension. The provisional certificate will cover the period from August 14, 2014 to November 15, 2014.

¹ 45 CFR 155.215(b)(1)(iv).

Any Navigators who are issued a provisional certificate must successfully complete the 2015 training by November 15, 2014. If they do not, they will not be able to perform any Navigator activities from November 15, 2014 forward, until they have successfully completed their recertification training. We encourage Navigators who have been issued a provisional certificate to complete the 2015 training as soon as the updated training becomes available, both to ensure that they meet the deadline, and to ensure that they are able to benefit from the updated information included in the 2015 training.

To be eligible for a provisional certificate, a Navigator must be, or be working for, a 2013 Navigator grantee that receives a no-cost extension of its CMS grant. Individual Navigators working for grantees that receive no-cost extensions will receive provisional certificates allowing them to continue to work as a Navigator after August 14, 2014, provided that they successfully complete the 2015 training by November 15, 2014.

Certification requirements applicable to new Navigators

All Navigators who will be performing Navigator duties for an organization under a 2014 Navigator grant will be required to complete the 2015 training prior to conducting any consumer assistance activities under their grants.

If a 2013 CMS Navigator grantee does not receive a no-cost extension of the project period under its 2013 Navigator grant, but instead receives a new CMS Navigator grant for 2014-2015, then individual Navigators working for that organization should stop carrying out Navigator activities after August 14, 2014. They should take the 2015 training and become certified when the 2015 training becomes available, and only after that point may they carry out consumer assistance activities under the 2014 grant. These grantees should be able to resume their Navigator activities before November 15, 2014.

III. Certification and Recertification Requirements for the CAC Program in Federally-facilitated Marketplaces

Recertification requirements applicable to CAC organizations designated before July 1, 2014

CMS recently published new regulations requiring all CACs to be recertified on at least an annual basis after successfully completing recertification training.² To ensure that this recertification requirement is satisfied, CAC designated organizations in the Federally-facilitated Marketplaces should recertify existing CACs within one year of the date the organization issued the CAC's current certification. Additionally, as discussed below, organizations should ensure that individual CACs successfully complete the 2015 CAC training before renewing their CAC certificates. If a CAC completed his or her initial CAC training using a CAC ID number that has since been updated or changed by its CAC organization, the CAC should take the 2015 CAC training using his or her new CAC ID number, not the old ID number. The CAC ID number is the username entered on the MLN training registration page and will be reflected on the applicable training certificate that is generated upon successful completion of the training. Even if their individual CACs are not yet due for recertification, CAC designated organizations should encourage them to take the 2015 CAC training as soon as it becomes available. This will ensure that CACs have received the most up-to-date training to be prepared to assist existing enrollees through the Marketplace redetermination and renewal process and to provide application and enrollment assistance during the Open Enrollment Period for the 2015 plan year in the individual market, which begins November 15,

² 45 CFR 155.225(d)(7) (rule took effect July 28, 2014). The final regulations also contained a number of new standards that apply to CACs. We encourage CACs to review those standards as well. See <http://marketplace.cms.gov/technical-assistance-resources/market-standards.pdf> for an overview. The final regulations can be accessed at: <http://www.gpo.gov/fdsys/pkg/FR-2014-05-27/pdf/2014-11657.pdf>.

2014. We encourage organizations to have each of their CACs take the 2015 training even in cases where the CAC's annual recertification may not be due for several months (see CAC FAQ #6).

Certification requirements applicable to CAC organizations designated on or after July 1, 2014

Any CAC organizations that were designated on or after July 1, 2014 by a Federally-facilitated Marketplace that have not yet certified their staff and volunteers should wait to do so until after the 2015 training becomes available. This will ensure that the staff and volunteers of newly designated CAC organizations receive the most up-to-date CAC training available. Please note that CACs in the Federally-facilitated Marketplaces are not authorized to perform CAC services until they have completed training and their CAC designated organization has certified them.

IV. Frequently Asked Questions

1. As a 2013 CMS Navigator grantee, if we receive a no-cost extension, may we continue our work as a CMS Navigator grantee after August 14, 2014?

Yes. CMS Navigator grantees operating under a no-cost extension may continue to perform their duties as a Navigator grantee after the end of the 2013-2014 grant period, for as long as the extension is effective. Individual Navigators working for grantees that receive no-cost extensions will receive provisional certificates allowing them to continue to work as a Navigator after August 14, 2014. These Navigators will need to complete the 2015 training by November 15, 2014 to be able to continue assisting consumers. Any individual Navigators hired after August 14, 2014 must take the 2015 training before working as a Navigator since the Medicare Learning Network is suspending 2014 training as the 2015 training is loaded on the website. It will be available in early September.

2. We are a 2013 CMS Navigator grantee and applied for the 2014 Navigator FOA as well. Should our existing Navigator staff begin the recertification process during the summer, before new grant awards are announced, or should we wait to begin recertification until after the new grants are awarded?

CMS Navigator grantees for 2013 that are operating under a no-cost extension may continue to perform their duties as a Navigator grantee after the end of the 2013-2014 grant period, for as long as the extension is effective. If they are eligible, individual Navigators working for grantees that receive no-cost extensions will receive provisional certificates allowing them to continue to work as a Navigator after August 14, 2014 until November 15, 2014. As discussed above, CMS strongly recommends that individuals currently working for 2013 Navigator grantees that have received no-cost extensions complete the 2015 training as soon as it becomes available in early September.

CMS Navigator grantees for 2013 that have applied for a 2014 grant, but have not received a no-cost extension, should wait to learn the outcome of their 2014 grant application before their staff proceed with training and certification for activities for 2015. There is no guarantee that 2013 Navigator grantees will receive a 2014 Navigator grant award. As discussed above, staff of organizations that receive a 2014 Navigator grant from CMS that did not receive a no-cost extension, should stop carrying out consumer assistance activities after August 14, 2014, which is the expiration date of 2013 Navigator grant project periods that have not been extended.

3. I work for a Navigator organization in the Federally-facilitated Marketplace that has not applied for a no-cost extension but has applied for funding under the 2014 Navigator FOA. Will I still be eligible for a provisional certificate?

Only individuals working for a Navigator organization that has received a no-cost extension from CMS, and that are still eligible to be a Navigator, will be eligible for a provisional certificate. If your organization has not received a no-cost extension, but has applied for a 2014 grant, you should wait to learn more from your organization about the status of its application for the 2014 grant. You should stop carrying out Navigator activities after your 2013 certification expires on August 14, 2014. If your Navigator organization receives a 2014 grant, you must successfully complete the 2015 training and become certified for 2014-2015 grant period before carrying out any consumer activities under this new grant.

4. Will the 2015 training for Navigators in the Federally-facilitated Marketplace be the same as the 2014 training?

CMS is updating the Navigator training to include Federally-facilitated Marketplace enhancements for the Open Enrollment Period for the 2015 plan year. Specifically, CMS is adding a new course to this year's training that covers advanced Marketplace issues and provides detailed information on topics such as immigration, specific scenarios for how to count household income, how to best assist victims of domestic violence, how to help college-age students enroll in coverage. It also includes new information on how to assist consumers with re-enrollment.

5. Will the 2015 training for CACs in the Federally-facilitated Marketplace be the same as the 2014 training?

For the 2015 training, CMS is updating the CAC training curriculum to include Federally-facilitated Marketplace enhancements for the Open Enrollment Period for the 2015 plan year in the individual market, as it is doing for Navigator training. The curriculum structure and certification process will remain essentially the same. For 2014-2015, in addition to completing the required training curriculum to become initially certified or to become recertified, CACs will also have access to the full suite of training modules that are required for the certification of Navigators and non-Navigator assistance personnel operating in the Federally-facilitated Marketplaces. The additional courses will be optional for CACs and provide a more in-depth overview of the Federally-facilitated Marketplaces and the duties required of different assister types.

6. What are the Federally-facilitated Marketplace assister training courses for 2015? How many hours will be needed to complete the training?

The list below outlines the 2015 Federally-facilitated Marketplace training courses for Navigators, non-Navigator assistance personnel, and CACs. Navigators and non-Navigator assistance personnel in the Federally-facilitated Marketplaces will be required to successfully complete all courses listed below to become certified. An asterisk identifies the required courses for CAC certification or recertification.

The amount of time it takes to complete the training will vary from person to person. CMS estimates it will take approximately 20 hours to complete Navigator training and 5-10 hours to complete CAC training:

1. Training Overview*
2. Health Insurance Basics
3. Affordable Care Act Basics
4. Marketplace Basics
5. Marketplace Eligibility and Application Assistance*

6. Marketplace Affordability and Assistance Programs*
7. Marketplace Enrollment and Appeals Assistance (includes information on redeterminations)*
8. Marketplace Exemptions Assistance*
9. SHOP Marketplace Assistance*
10. Cultural Competence and Language Assistance
11. Serving Vulnerable and Underserved Populations
12. Working with Consumers with Disabilities
13. Customer Service Standards and Community Outreach
14. Privacy, Security, and Fraud Prevention Standards*
15. Advanced Marketplace Issues

*Required for CACs

7. What is the difference between the Federally-facilitated Marketplace training curricula for Navigator/non-Navigator assistance personnel and CACs?

Navigators and non-Navigator assistance personnel in the Federally-facilitated Marketplaces will be required to successfully complete all courses listed above to become certified. While CACs are required to complete fewer modules to become certified, CACs will also have access to the full suite of training modules that are required for Navigator and non-Navigator assistance personnel certification in the Federally-facilitated Marketplaces. The additional courses will be optional for CACs and provide a more in-depth instruction on the Federally-facilitated Marketplace and the duties required of different assister types.

8. As an existing CAC or CAC designated organization in a Federally-facilitated Marketplace, do I need to complete and return a new agreement?

CAC designated organizations in a Federally-facilitated Marketplace do not need to enter into and return a new agreement to CMS, since that agreement, by its terms, renews automatically after each one-year term (unless either CMS or the organization terminates it or CMS notifies the organization that the agreement will not be renewed).

CMS regulations do not require CAC designated organizations to enter into a new agreement with their individual CACs as part of the recertification process, but organizations may choose to do so in accordance with their internal policies and procedures for overseeing the individual CACs they certify. Additionally, if CAC designated organizations in a Federally-facilitated Marketplace choose to keep in place the same agreement they used to initially certify their staff and volunteers as CACs, they should ensure that the agreement's term has not expired. If it has expired, the individual is no longer authorized to serve as a CAC, and the organization must enter into a new agreement in order for the individual to serve as a CAC again, pursuant to 45 CFR 155.225(d)(6). As a reminder, the model agreement that CMS provided in each organization's welcome packet states that, with certain exceptions, it will renew automatically after each one year term,³ which would in many cases allow the organization to take no action in order to keep in place the same agreement.

9. As an individual Navigator or CAC in a Federally-facilitated Marketplace, how do I tell CMS that I have completed my training requirements for 2015?

³ The exceptions to the model agreement's automatic renewal are when: 1) the organization or individual CAC decides to terminate the agreement; 2) the organization notifies the individual CAC that the agreement will not be renewed; 3) the organization withdraws the individual CAC's certification; 4) the individual no longer holds a position as a staff member or volunteer with the organization; or 5) the organization is no longer designated by CMS as a CAC designated organization.

Individual Navigators who are not themselves CMS Navigator grantees should report completion of their training requirements to their Navigator organization. CMS Navigator grantee organizations will work with CMS to ensure that the appropriate individual Navigators on their staff are certified and/or recertified.

CACs in the Federally-facilitated Marketplaces are not required to tell CMS that they have completed their training requirements or that they have been recertified by their organization. They should contact the CAC designated organization they are working with to confirm how to report to the organization the fact that they have completed the necessary training requirements. Most importantly, CACs should always prominently display their official CAC certification for consumers. Please remember that the official CAC certification is not issued by CMS or by the MLN training website; it is issued only by the CMS-designated organization with which the CAC is affiliated.

10. What steps should CAC designated organizations in a Federally-facilitated Marketplace take to recertify their CACs?

Organizations should do all of the following:

- Have a process in place for identifying individual CACs and evaluating their compliance with:
 - Federal rules governing the CAC program, as set forth in 45 CFR 155.225 (including all the amendments to 45 CFR 155.225 that took effect July 28, 2014);
 - The terms and conditions of the CAC's agreement with the organization;
 - The organization's policies and procedures for its CAC activities; and
 - Any applicable state requirements that do not prevent the application of the provisions of title I of the Affordable Care Act.
- Ask each fully compliant CAC whether s/he is seeking to become recertified.
- For the individual CACs who would like to be recertified:
 - Require that the CAC disclose to the organization any existing or anticipated relationships the individual has with qualified health plans or insurance affordability programs (e.g., Medicaid, CHIP, APTCs/CSRs), or other potential non-disqualifying conflicts of interest, in accordance with 45 CFR 155.225(d)(2);⁴
 - Ensure CACs take the 2015 CAC training and provide the organization with proof of successful completion (e.g., the training certificate);
 - If necessary, enter into a new agreement with the individual CAC that is consistent with 45 CFR 155.225(d)(6) (see FAQ #4 above); and
 - Issue a new official CAC certificate. This certificate should include an expiration date that is one year from the date of issuance. (Note: CMS expects to provide an updated model certificate before the new training curriculum goes live.)
- If an organization is fulfilling its duty under 45 CFR 155.225(d)(2) to inform consumers of any existing or anticipated relationships the organization has with qualified health plans or insurance affordability programs, or other potential non-disqualifying conflicts of interest, by providing this information to consumers through its individual CACs, then the organization

⁴ Organizations should be aware that recent amendments to 45 CFR 155.225 establish that an individual or entity is not eligible to become (or continue to serve as) a CAC or CAC designated organization if s/he receives any consideration directly or indirectly from a health insurance or stop loss insurance issuer in connection with the enrollment of any individuals in a QHP or non-QHP. In a Federally-facilitated Marketplace, however, no health care provider shall be ineligible to operate as a CAC or CAC designated organization solely because it receives consideration from a health insurance issuer for health care services provided. 45 CFR 155.225(g)(2).

should re-disclose such relationships to all its recertified CACs to ensure that this information is current when a CAC provides this information to consumers.

Organizations may complete some of the above steps prior to the date on which the 2015 training becomes available. However, organizations must not issue any new CAC certifications until all steps required for recertification are completed, including ensuring that individuals take 2015 CAC training and show proof of successful completion.

11. If a CAC in a Federally-facilitated Marketplace informs a CAC designated organization that s/he does not wish to be recertified or the organization decides to not recertify the CAC, what steps should the organization take?

Although the agreement between CMS and each CAC designated organization in a Federally-facilitated Marketplace requires the organization to have at least one staff member or volunteer certified as a CAC in order to continue its participation in the CAC program, CAC organizations do not need to inform CMS which CACs will not be recertified or which CACs it has certified or recertified. We note that CMS reserves the right to request the names and identification numbers of all CACs certified by the organization, pursuant to section II.4 of the agreement between CMS and the organization.

Once an individual CAC's certification or agreement has expired or has been withdrawn, the organization must comply with the provisions of its agreement with CMS that are triggered when an individual CAC's certification is withdrawn, including ensuring that consumer personally identifiable information is protected and that neither the organization nor the individual holds the former CAC out to the public (either orally or through written materials) as a CAC. For example, if an individual who has not been recertified as a CAC is contacted by a consumer requesting CAC services, the individual must refer the consumer to another CAC whose certification remains active.

12. If an individual CAC completed training on the Medicare Learning Network (MLN) in July or August 2013, and it has been a year or more since the CAC was issued a training completion certificate. Does this mean that the CAC certification has already expired?

The official CAC certification is issued only by the CAC designated organization with which the CAC is affiliated. Furthermore, a CAC designated organization is authorized to certify its staff or volunteers as CACs only after that organization has completed all steps required in the designation process and received a confirmation of designation email from CMS, which CMS sends only after the organization has signed its agreement with CMS and submitted the signed agreement to CMS. Last year, CMS sent no official confirmation of designation emails to organizations before mid-September 2013, which means that mid-September 2013 is the earliest that any individual CAC could have been validly certified by his or her designated organization. Therefore, no individual CAC's recertification anniversary date should be earlier than mid-September 2014.

13. What resources are available to assisters other than the required training?

CMS will continue to provide ongoing technical assistance via webinars and the Assister newsletter, for example. This will allow for on-going training opportunities throughout the year to ensure assisters are up to date on any policy changes or other relevant developments. We are continuing to identify and implement news ways for assisters to better access and use the technical assistance information provided.

Any questions about the requirements included in this bulletin should be directed to the following email addresses:

- **Certified Application Counselors:** CACQuestions@cms.hhs.gov
- **Navigators:** NavigatorGrants@cms.hhs.gov