



## Federal Health Care Reform in New York State

# The Role of Third Party Assistors in New York's Exchange: Overview of Federal Requirements

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# The Basics

Under the Patient Protection and Affordable Care Act (ACA):

- An Exchange shall establish a Navigator program
- Exchanges would award Navigator grants to eligible entities
- Funding for the Navigator program must be from Exchange operational funds, not federal funds

# Navigator Eligibility

- Entities that have, or could readily establish, relationships with those likely to be qualified health plan (QHP) eligible (employers, employees, consumers, self-employed)
- Under final regulations, an Exchange must include an entity from:
  - Community and consumer-focused non-profits

And an entity from at least one of the following:

- Chambers of Commerce
- Licensed agents and brokers
- Trade, industry, and professional associations
- Commercial fishing industry organizations, ranching and farming organizations
- Unions
- Resource partners of the Small Business Administration
- Other public or private entities or individuals that meet the standards outlined in ACA Section 1311/Regulation 155.210

# Navigator Duties

The ACA requires Navigators to:

- Maintain expertise in eligibility, enrollment, and program specifications and conduct public education activities to raise awareness about the Exchange
- Provide information and services in a fair, accurate and impartial manner. Information must acknowledge other health programs
- Facilitate selection of a QHP
- Provide referrals to consumer assistance office(s) for enrollees with grievances, complaints, questions about their plan, coverage, or any determinations
- Provide information that is culturally and linguistically appropriate to the needs of the population being served and ensure accessibility and usability of Navigator tools for those with disabilities

Under the final Exchange regulations, States may allow Navigators to assist with public coverage too. These activities would be eligible for federal funding

# Navigator Standards

Under the ACA,

- Navigators shall not:
  - Be a health insurance issuer;
  - Be a subsidiary of a health issuer;
  - Be an association that includes members of, or lobbies on behalf of, the insurance industry; or
  - Receive any consideration directly or indirectly from any health insurance issuer in connection with enrollment of individuals/employees in QHPs or non QHPs
- The Exchange shall establish Navigator standards, including:
  - Conflict of interest provisions
  - Navigator training standards

# Agents and Brokers

- In addition to permitting agents and brokers to be Navigators, a state may also choose to permit agents and brokers to:
  - Enroll qualified individuals, employers, or employees into QHPs in the individual and SHOP exchanges
  - Assist individuals in applying for advance premium tax credits and cost sharing reductions for QHPs
- The Exchange may provide information about licensed agents and brokers on its web site

# New York State Policy Questions

## Navigators

- What should the criteria be for eligibility to serve as a Navigator?
- Should Navigators provide help with public programs, in addition to QHPs?
- Should Navigators serve both the individual and SHOP Exchanges?
- What kind of training should be required of Navigators? Should it be the same for the individual and SHOP Exchanges?
- What should Navigator certification look like?

## Producers, Chambers, Business Associations

- What role should producers, chambers, business associations play in enrolling individuals and small groups in QHPs?
- Should they serve both the individual and SHOP Exchanges?
- Should brokers be Navigators or continue their traditional role as brokers (including being reimbursed directly by carriers)?

## Compensation

- What are the options for compensating these entities?
  - Navigator grants
  - Brokers can be reimbursed by the Exchange (Navigator grants) or directly by carriers
  - Other?