

New York appreciates the opportunity to comment on the proposed regulations for 45 CFR Part 155; Patient Protection and Affordable Care Act; Exchange Functions: Standards for Navigators and non-Navigator Personnel [CMS-9955-P].

§155.215(b)(1) Certification and recertification standards

New York agrees that certification and recertification standards are an essential component of a successful non-Navigator personnel program. We request clarification of the requirement for 1311 funded non-Navigator personnel to complete “HHS-approved training.”

New York has already begun to develop a comprehensive training program for its 1311 funded non-Navigator personnel. We request that HHS allow State Based Exchanges (SBEs) to submit their training programs to HHS for HHS-approval so that New York can deliver its training program to its 1311 funded non-Navigator personnel in a timely manner, without requiring them to complete New York’s training program and a separate HHS training program.

At a minimum, New York’s training program will include all modules described in §155.215(b)(2). If HHS will allow SBEs to submit their training programs to HHS for approval, we request in the first year of the program that New York be allowed to deliver its training program and certify 1311 funded non-Navigator personnel prior to receiving HHS approval of the New York training program, with the understanding that any necessary additions or changes to the training program could be made through continuing education. We are concerned that any delays in training 1311 funded non-Navigator personnel could lead to delays in providing enrollment assistance to New Yorkers. Alternatively, if final regulations requiring the use of HHS training or SBE trainings to be submitted for approval prior to certification of non-Navigators are issued after June 30, 2013, we respectfully request that this requirement be waived for the first year of Exchange operation for SBEs.

New York appreciates HHS’ consideration of these comments and looks forward to continuing to work with our federal partners to refine the proposed regulations.