

Appendix C-1

Marketplace Facilitated Enrollment (FE) Program

For CONTRACTOR that authorizes employees or representatives to provide application assistance to individuals enrolling in Qualified Health Plans (QHPs) and insurance affordability programs (IAPs) through NY State of Health, The Official Health Plan Marketplace (Marketplace), who are referred to as Marketplace Facilitated Enrollers

I. Background

1. The ACA establishes a streamlined enrollment system for QHPs and all IAPs. The NY State of Health, The Official Health Plan Marketplace (Marketplace) of the New York State Department of Health (formerly known as the New York Health Benefit Exchange) ("STATE") has developed an integrated application allowing consumers to enroll in any IAP (Medicaid, Child Health Plus, Advance Premium Tax Credits, Cost-Sharing Reductions, and Essential Plans pursuant to the Basic Health Program (BHP)) and QHP through the Marketplace application. To ensure that consumers have as many opportunities as possible to apply through the Marketplace, STATE is expanding its successful Medicaid and Child Health Plus Health Plan Facilitated Enrollment Program to include QHPs and Essential Plans.
2. Employees and representatives of CONTRACTOR may provide Marketplace application assistance to individuals enrolling in QHPs and IAPs through the Marketplace provided that: (i) each individual is trained and authorized as a Marketplace Facilitated Enroller ("Marketplace FE") prior to providing such assistance, and (ii) such authorized Marketplace FEs abide by the requirements outlined below.

II. Obligation of CONTRACTOR

1. CONTRACTOR agrees to ensure that its employees and representatives complete the Marketplace approved training program regarding QHP options, IAPs, eligibility and benefits rules and regulations governing all IAPs operated in the State, pass an examination to assure successful completion of the training, and are authorized by the Marketplace.
2. CONTRACTOR agrees to ensure its employees and representatives complete any subsequent training required by the Marketplace, which includes successfully completing annual re-authorization training.
3. CONTRACTOR acknowledges and agrees that it may use the "train the trainer" approach for its employees and representatives provided that the employee or

representative of CONTRACTOR providing the training (i) has successfully completed the Marketplace training program, and (ii) uses the training material designated by the Marketplace. Such authorized Marketplace FEs may train and authorize only employees and representatives of their own organization.

4. CONTRACTOR must establish procedures to ensure that it and its Marketplace FEs:
 - i. Inform applicants of the functions and responsibilities of Marketplace FEs;
 - ii. Disclose to potential applicants any relationships the Marketplace FE has with QHPs or IAPs or other potential conflicts of interest;
 - iii. Obtain authorization from the applicant prior to obtaining access to an applicant's personally identifiable information (PII) and maintain a record of the authorization in a form and manner determined by the Marketplace; and
 - iv. Inform the applicant that he or she may revoke the authorization at any time.
5. CONTRACTOR must also establish procedures to ensure that its Marketplace FEs:
 - i. Provide information to individual and employee applicants about the full range of QHP options and IAPs for which they are eligible, which includes providing fair, impartial, and accurate information that assists consumers with submitting the eligibility application; clarifying the distinctions among health coverage options, including QHPs; and helping consumers make informed decisions during the health coverage selection process;
 - ii. Assist individual and employee applicants in applying for coverage in a QHP and for IAPs;
 - iii. Help facilitate enrollment of eligible individuals in QHPs and IAPs;
 - iv. Act in the best interest of the applicant assisted; and
 - v. Do not misrepresent the options available to the applicant.
6. CONTRACTOR agrees to comply with the Marketplace's privacy and security standards consistent with 45 CFR §155.260 and applicable authentication and data security standards.
7. CONTRACTOR must:
 - i. Ensure that only authorized Marketplace FEs submit applications to the Marketplace using their individual identification number. Use of a Marketplace FE identification number by any individual other than the authorized Marketplace FE is strictly prohibited.

- ii. Provide its Marketplace FEs with the equipment necessary to provide in-person application assistance. Except in extraordinary circumstances, applications must be submitted on-line through the Marketplace on-line web portal. Computers must be connected to the internet using one of the following browsers: Internet Explorer Versions 7, 8 or 9, Safari Versions 5 or 6, Google Chrome Versions 18 or 19 or Mozilla Firefox Versions 12 or 13. Generally, Marketplace FEs should not provide assistance by telephone. However, under some circumstances, in accordance with guidelines issued by STATE, Marketplace FEs may provide assistance by telephone. This includes but is not limited to collecting follow-up information by telephone if it is more convenient for the applicant.
 - iii. Identity proof the Marketplace FE using instructions provided by STATE if the Marketplace FE fails the on-line identity proofing process used for the Marketplace.
 - iv. Register and monitor performance of their individual Marketplace FEs and implement plans of correction for Marketplace FEs who are not adequately performing their duties under the Marketplace FE program.
- 8. CONTRACTOR agrees to monitor the performance of its Marketplace FEs and to rescind authorization to act as a Marketplace FE from all employees and representatives who are not adequately performing their duties in accordance with the requirements set forth in this appendix or who are out of compliance with the requirements of the program.
- 9. CONTRACTOR acknowledges and agrees that it must ensure that its Marketplace FEs comply with applicable law and the provisions of the Agreement regarding privacy and security, including HIPAA Compliance and Security.
- 10. CONTRACTOR must either directly or through an appropriate referral to an IPA/Navigator or non-IPA/Navigator assistance personnel or to NY State of Health Consumer Service Center, provide or have its staff members and volunteers provide information in a manner that is accessible to individuals with disabilities as defined by the Americans with Disabilities Act, as amended, 42 U.S.C. 12101 et. seq. and section 504 of the Rehabilitation Act, as amended, 29.U.S.C. 794.
- 11. CONTRACTOR must obtain a written attestation from each Marketplace FE regarding his or her commitment to comply with the standards specified in paragraphs II.1, II.2, II.4, II.5, II.6, II.10, and II.13 of this appendix, related to standards of authorization, availability of information, authorization, and fees. CONTRACTOR must provide these attestations to STATE upon request.

12. CONTRACTOR must inform STATE within two business days if a Marketplace FE has left his or her position or is on extended leave. After CONTRACTOR has reassigned the Marketplace FE's applicants, CONTRACTOR must inform STATE of the reassignments.

13. CONTRACTOR and its Marketplace FEs are prohibited from:

- i. imposing any charge on applicants for application or other assistance related to the Marketplace;
- ii. providing compensation to Marketplace FEs on a per-application, per-individual-assisted, or per-enrollment basis;
- iii. providing gifts, including gift cards or cash, unless they are of nominal value, to any applicant or potential enrollee as an inducement for enrollment. Gifts, gift cards, or cash may exceed nominal value for the purpose of providing reimbursement for legitimate expenses incurred by a consumer in effort to receive NY State of Health application assistance, such as, but not limited to, travel or postage expenses;
- iv. soliciting any consumer for application or enrollment assistance by going door-to-door or through other unsolicited means of direct contact, including "cold calling" inquiries or solicitation. "Cold calling" does not include outreach to individuals enrolled in other products or plans offered by CONTRACTOR or to individuals formerly enrolled in products or plans offered by CONTRACTOR; or
- v. initiate any telephone call to a consumer using an automatic telephone dialing system or an artificial or prerecorded voice, except in cases where CONTRACTOR has a relationship with the consumer and so long as other applicable State and Federal laws are otherwise complied with.

14. CONTRACTORS using the train the trainer approach for their employees and representatives must submit the following information to STATE in writing upon successful completion of the training program using the format provided by the STATE. This information must include but is not limited to the following:

- i. Name of the trainer;
- ii. Dates trainer was trained;
- iii. Location where trainer was trained;
- iv. Trainee's name;
- v. Trainee's email address;
- vi. Trainee's score on each day of the Marketplace FE examinations; and
- vii. The date(s) and location where the Marketplace FE examination was administered.

Such information must be submitted to the following email address:
gabrielle.armenia@health.ny.gov.

15. CONTRACTOR and its Marketplace FEs must refer to the employees and representatives authorized under this appendix only as Marketplace Facilitated Enrollers or Marketplace FEs.

III. Obligations of STATE

1. Provide or approve a comprehensive training program and any subsequent training updates for Marketplace FEs. Training may be delivered by STATE or its designated contractor in person or through the use of on-line training programs, or through a train-the-trainer approach by an authorized Marketplace FE.
2. Provide CONTRACTOR with or approve a training curriculum, including a facilitator guide, for use in training its staff members and volunteers.
3. Provide or approve any forms, applications, brochures or other materials needed to provide application assistance and information about the programs available through the Marketplace.
4. Collect information from CONTRACTOR regarding employees or representatives trained and authorized to provide application assistance so that a unique identifier can be created for each Marketplace FE.
5. Provide CONTRACTOR with or approve a form for Marketplace FEs to disclose conflicts of interest.
6. Provide data and reports to CONTRACTOR for use in monitoring Marketplace FE productivity until such time that the organization can generate this information through the Marketplace.
7. Update the list of trained and authorized Marketplace FEs based on information provided by CONTRACTOR, including terminating Marketplace FE accounts when necessary.