

## **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 insurance affordability programs (IAPs). The NY State of Health, The Official Health Plan Marketplace (Marketplace) of the New York State Department of Health ("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 the Essential Plan (Basic Health Program)] and QHPs 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 the Essential Plan.
2. CONTRACTOR's employees and representatives may provide application assistance to individuals applying for coverage 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 must 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 must ensure its employees and representatives complete any subsequent training required by the Marketplace, which includes successfully completing annual re-authorization training.

3. CONTRACTOR must establish procedures to ensure that 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.
4. CONTRACTOR must 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.
5. CONTRACTOR must comply with the Privacy and Security provisions of this Agreement consistent with 45 C.F.R. §155.260 and applicable law, as well as Marketplace authentication and data security standards and procedures. CONTRACTOR shall ensure that its Marketplace FEs are appropriately supervised to assure ongoing compliance with Privacy and Security requirements to safeguard PII.
6. CONTRACTOR must either directly or through an appropriate referral to an Navigator or non-Navigator assistance personnel or to NY State of Health Customer 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.

7. 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. initiating 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.

8. CONTRACTOR must obtain a written attestation from each Marketplace FE regarding his or her commitment to comply with the standards specified in paragraphs “1” through “7” of Section “II” of this appendix, related to required training, authorization, availability of information, privacy and security of PII, accessibility, and prohibition regarding fees. CONTRACTOR must provide these attestations to STATE upon request.

9. 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. All computers used by Marketplace FEs must have supported Operating Systems and the latest security patches installed.

- iii. Generally, Marketplace FEs should provide in person assistance if possible. However, under some circumstances, in accordance with guidelines issued by STATE, Marketplace FEs may provide certain assistance by telephone or other methods approved by the STATE. This includes but is not limited to using the telephone or other methods to collect follow-up information, or to assist in the renewal process.
  - iv. 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.
  - v. Register and monitor performance of their individual Marketplace FEs.
10. CONTRACTOR shall implement plans of correction for Marketplace FEs who are not adequately performing their duties under the Marketplace FE program, and shall 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.
11. CONTRACTOR must inform STATE within two (2) business days if a Marketplace FE has left his or her position or is on extended leave and must inform the STATE to whom their clients should be re-assigned. This information must be reported to: [Assistor.Admin@health.state.ny.us](mailto:Assistor.Admin@health.state.ny.us).
12. 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 on-line training programs.
- 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.