

**Assistor Recertification Webinar Series
2017 Privacy and Security
FAQs-2017**

Receiving Documents Other than In-Person

- 1. Is there any approved method for an Assistor to receive consumer documents which contain PII or PHI besides in person in order to upload them into the consumer's account? Can consumers drop off documents to my office in a sealed envelope?**

A. Consumer documents containing PII and PHI should be provided to an Assistor in person during an appointment to the maximum extent possible. If, following an appointment, an additional document must be provided to complete the application, a consumer may drop the document off at the Assistor's office in a sealed envelope that is labeled with the Assistor's name and the consumer's name and AC number. Assistors and Assistor administrative office staff should be instructed that any consumer documents that are hand delivered should be provided directly to the applicable Assistor if he or she is available. If the Assistor is not immediately available, the document should be placed in an envelope or folder for the Assistor, labeled with the Assistor's name and the consumer's name and AC number. An Assistor may also provide a self-addressed stamped envelope to the consumer to submit their documents. The document must be sent to the attention of the Assistor and should include the consumer's name and AC number. Consumers should be instructed not to email documents to an Assistor.

A consumer may also fax their documents to an Assistor. When assisting consumers who will be faxing their documents, the Assistor must verify that the consumer has the correct fax number. The Assistor agency must ensure that the facsimile machine is located in a secure location and that the recipient Assistor is able to promptly receive the faxed information. The fax cover page should include the name of the Assistor as well as the consumer's name and AC number.

Consumers should be instructed not to email documents to an Assistor.

Hospitals with Separate Consent Forms

- 1. Hospitals receive signed release of information forms. Once we have this signed form, can we reach out to third parties to request documents which contains the consumer's PII or PHI to complete eligibility and enrollment?**

A. If a consumer has given express permission to a hospital to conduct outreach to third parties to obtain documents to complete his/her enrollment application, this is permissible. However, the permission must be explicit regarding who the hospital will be reaching out to and for what purpose.

Completing Telephone Applications or Renewals

1. Can Assistors provide enrollment services over the phone?

A. Assistors can provide enrollment services by phone only when permission has been granted by the Department of Health.

2. If a consumer is on my dashboard, can I complete their renewal over the telephone?

A. Only if you have been given permission to conduct phone enrollments/renewals by the Department of Health.

3. What if my agency or health plan has been given permission to complete new applications or renewals over the telephone? Are there any permissions for this group of Assistors to receive consumer documents containing PII or PHI electronically, by fax, or by mail to complete the application or renewal since our process is not in person?

A. The same criteria outlined in question one above (Receiving Documents other than In-Person), should be applied when completing an application by phone.

4. As an Assistor, I am told to use my personal cell phone by my agency to make client appointments. Is this allowable? As an Assistor, if I need to speak with a consumer about their documents which contain PII or PHI can I have this conversation using my personal cell phone or must I be on an office land line?

A. Assistors may use their personal cell phone to make client appointments. About asking a question regarding documentation, cell phones may be used for voice calls only. Cell phones must not be used for things like taking pictures of documents to later upload to the consumer's account. The Assistor must take precautions to make sure the conversation with the consumer is private.

5. If an Assistor completed a consumer's application in person, can the consumer contact the Assistor later by telephone to let them know what health plan to select and enroll in? Does the consumer need to return to their Assistor in person to do this?

A. Every effort should be made to complete the application and plan selection during the same in person encounter. If there is a defect or issue making it impossible to move to plan selection, the Assistor can help the person complete the plan selection if it is easier for the consumer. The Assistor can also invite the consumer into their account so that they can enter the plan selection on their own (see question 11 under Other Questions).

6. Can I call the Marketplace on a consumer's behalf if they are on my dashboard to verify plan enrolment?

A. If the consumer is on your dashboard, you should be able to see the plan selection in the account. It is not necessary to contact the Marketplace to verify this information.

7. Why is the call center allowed to do enrollments over the telephone while Assistors are not allowed to do this?

A. The In-Person Assistor/Navigator program is for providing in-person enrollment assistance to individuals, families, small businesses, and their employees who would like help applying for health insurance through the Marketplace. The program was designed to provide in-person, not telephone, assistance.

Other Questions

1. Can an Assistor reach out to a third party (such as the consumer's employer) on their behalf to request documentation which may be needed by the Marketplace containing the consumers PII or PHI (such as paystubs) to obtain an eligibility determination?

A. No. Assistors may discuss and clarify with the consumer the particular type(s) of documentation that the consumer must provide to complete the application, such as documentation of income. It is the consumer's responsibility to collect the necessary documentation from third parties and provide it to the Assistor to upload into the account.

2. When working with incarcerated individuals are there any additional privacy and security procedures Assistors should follow in addition to this training?

A. Assistors should abide by any additional privacy and security provisions that are put in place by the facility.

3. In slide 22, it states that Assistors should never let anyone else use their User ID and Password. Is this statement referring to signing into my computer, my device, or my Marketplace account?

A. Assistors should never share their Marketplace password as the Assistor could be held responsible for any and all actions that someone else may take with your system privileges.

4. What, if any PII is an Assistor allowed to keep in order to make individual appointments with consumers and follow up when needed? For example, can I keep a list with names and telephone numbers?

A. An Assistor may keep a list of names and telephone numbers for purposes of making appointments with consumers. Information regarding consumers' accounts should be contained in the Assistor dashboard and not stored in other locations.

5. If the consumer is at my office, may I allow them to use my internet to open their personal email account to print their document so that I can then upload it to their account?

A. Yes, you can allow the consumer to sign into their email to print a document that they can access electronically.

6. Can we use our work scanner to upload consumer documents into their account?

A. Yes, you can use your agency's scanner to upload a consumer's document to their account. The temporary file that contains the scanned image must be deleted immediately after the document is scanned and uploaded to the account.

7. Can an Assistor access the Marketplace using any Wi-Fi available?

A. Yes, however most public Wi-Fi hotspots don't encrypt the information you send over the internet and aren't, therefore, considered secure. If a network doesn't require a WPA or WPA2 password, it's probably not secure. If you use an unsecured network to log in to an unencrypted site or a site that uses encryption only on the sign-in page it is possible for other users on the network to see what you see and the data you send. If your Assistor organization offers a Virtual Private Network (VPN), it can protect you and the information you transmit across the Internet. Encrypted VPN sessions offer the highest security for public wireless use.

8. Can we please receive the Identity Proofing Forms and the Authorized Representative Form in Spanish or in additional languages?

A. These forms are currently only available in English.

9. Should Assistors receive special training to use encrypted email?

A. In-Person Assistor agencies should provide training to its staff on how to use the email encryption solution that is selected by the Assistor agency.

10. Are Assistors required to have screen protectors? If I do not have one, should I be using a private space?

A. While screen protectors are not specifically required, anytime that an Assistor is typing or working on his or her laptop in a public place, privacy should always be a concern. A privacy screen consists of a plastic 'filter' over your laptop's screen. With the filter installed, you can easily see what's on the screen if you're looking straight at it, however, anyone looking at your laptop from an angle will see little more than a blank screen. If an Assistor does not have a privacy screen, the application should be completed in private location.

11. How do consumers receive invitation codes? If they have one, can they upload their own documents to the Marketplace?

A. If the consumer is on the Assistor's dashboard, the Assistor may invite the consumer by clicking "Invite" next to the consumer's name. This will send the consumer's invitation code to the email associated with their account. If the consumer is not on the Assistor's dashboard and they do not have their invitation code, they may call NY State of Health to request it. After the consumer creates a NY.gov user-name and password, they may access their account using their invitation code, which will be sent to the email associated with their account. Once they have access to their account, they may upload their own documents.

12. Is it ok to assist a consumer that I know personally with a Marketplace application?

A. Yes, there is no prohibition against providing assistance to someone the Assistor

knows personally.

13. If a consumer brings additional people with them to their appointment, can the Assistor allow them to stay throughout the appointment? Should these individuals complete the Authorized Representative Form?

A. Consumers may bring another person or persons with them to their appointment. The Assistor may allow the person(s) to stay with the consumer during the appointment if the consumer wants them to stay. For example, an Assistor may ask the consumer at the beginning of the appointment whether he or she would like their companion(s) to wait in a waiting area.

An Authorized Representative Designation Form should only be completed for a friend, relative or partner that the consumer wants to authorize to talk with the Marketplace about their account and to act on their behalf regarding health insurance coverage.

14. If the Assistor's agency requires us to take and keep a copy of a consumer's photo ID, should we be doing this? How should we respond to our office manager?

A. The application process through NY State of Health does not require an Assistor to request and keep a copy of a consumer's photo ID. The only time that photo ID may be requested is if it is needed to manually identify proof the account holder. In that case, the Assistor should use the pre-established process to send the manual ID proofing documentation to MAXIMUS and return the original to the consumer. The Assistor must not keep a copy of the consumer's identification.

15. Is it okay to allow for incidental overhearing of a consumer's PII or PHI such as happens in a shared hospital room, or must I move a consumer meeting to a more private location?

A. Assistors must use operational, administrative, technical and physical safeguards to prevent unauthorized access to PII and/or PHI, and to limit incidental disclosures as much as possible. Assistor services should be provided in as private a manner as possible.

16. If we receive unsolicited PII or PHI from a consumer via email, what should we do? How should we respond to the consumer?

A. If an Assistor receives an unsolicited document by email, the Assistor should explain to the consumer that he or she must not send PII or PHI to the Assistor via e-mail again.

17. If we receive a complaint from a consumer about the way that their PII or PHI is handled by a previous Assistor, who should we report that to?

A. Any complaint regarding the way that PII or PHI is handled should be reported to Marketplace Customer Service at 1-855-355-5777.

18. What are the appropriate steps to take when we meet a consumer who is a victim of domestic violence and the abuser is the account holder?

A. If a consumer is an account member (not the account holder) and has a restraining order or attests to being a victim of domestic violence, they may request to be removed from the list of account members and create their own account with new account credentials. Contact Marketplace Customer Service at 1-855-355-5777 for assistance with this process.

The Assistor should notify the consumer of the existence of the Address Confidentiality Program (ACP) that is administered by the NYS Department of State and provide the consumer with the following information: ACP General Information: Local Phone Number: (518) 474-7306, ACP toll-free phone number: 1-855- 350-4595, ACP Website Address: www.DOS.NY.gov/acp or ACP Mailing address: PO Box 1110, Albany, NY 12201-1110.

ACP Participants are given identification cards with a substitute P.O. Box address. If the consumer obtains a substitute address through the ACP, the Marketplace will use this substitute address for the consumer's mailing address.

19. Please provide the mailing address and fax number for consumers to send their documents to the Marketplace.

A. The mailing address for the marketplace is NY State of Health, PO Box 11727, Albany, NY 12211. The fax number is 1-855-900-5557.

20. If a consumer is on my dashboard, and needs to change a piece of information such as their address, can I update their application myself or does the consumer need to come back and meet with me in person to make this change?

A. In general, unless permission has been given to the agency to conduct phone applications, changes should be made to the account while the consumer is present. The consumer may also make the changes to their account on their own if the Assistor invites the consumer into their account (see question 11 under Other Questions).

21. If the consumer provides verbal consent but is not on my dashboard, am I allowed to contact a third party such as a medical provider to confirm whether the consumer has current coverage? If I apply for them as a new applicant, I may only find out that they already have an account and active coverage but I will receive no other information.

A. No, Assistors must not contact third parties such as medical providers to see if an applicant has current coverage. The Assistor should ask the consumer about their existing coverage as part of the application process.