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From: Jennifer Beeson, Director, Consumer Support Group

Title: CMS Enrollment Assister Bulletin: 2015-01

Subject: Guidance Regarding Training, Certification, and Recertification for Navigator Grantees and Certified Application Counselors in the Federally-facilitated Marketplaces

I. Purpose

In preparation for the Open Enrollment Period beginning November 1, 2015 for the 2016 plan year in the individual market, CMS has updated the Navigator, non-Navigator assistance personnel, and certified application counselor (CAC) training curriculum for the Federally-facilitated Marketplaces (FFMs), including State Partnership Marketplaces (SPMs). In this bulletin, we refer to this updated training curriculum as the “2016 training” and refer collectively to these assister types as “assisters.” The 2016 training will be available through a new web-based system called the Marketplace Learning Management System (MLMS).

This bulletin provides guidance on training, certification, and recertification requirements and procedures for Navigators, CACs, and CAC designated organizations in the FFMs, including SPMs. Specific guidance for non-Navigator assistance personnel will be provided to these programs separately. We anticipate that the updated training will be available to all of these FFM assisters, including SPM assisters, by early September 2015.

II. Certification and Recertification Requirements for the Navigator Program in FFMs

CMS regulations require all Navigators in FFMs (including SPMs) to complete HHS-approved training and complete and achieve a passing score on all approved certification examinations before being certified and carrying out any Navigator duties, and to obtain continuing education and be certified and/or recertified on at least an annual basis.¹ Navigators must also meet any licensing, certification, or other standards prescribed by the State, if applicable, so long as such standards do not prevent the application of the provisions of title I of the Affordable Care Act.²

Staff and volunteers of CMS’s 2014 Navigator grantee organizations in the FFMs who completed Navigator training during the 2014-2015 grant period received certificates from CMS with an expiration date of September 15, 2015, corresponding to the end-date for the 2014-2015

¹ 45 CFR 155.215(b)(1).

² 45 CFR 155.210(c)(1)(iii).

grant project period.³ In order to perform any Navigator duties after September 15, 2015—either under a CMS Navigator grant for a 2015-2018 project period, or under a no-cost extension of the project period of a 2014-2015 CMS Navigator grant—all FFM Navigators will need to successfully complete either the entire 2016 Navigator training or the 2016 Navigator recertification training, depending on specific factors, as explained below, and then be certified or recertified by CMS.

The certification after September 15, 2015 of any Navigator working for an organization that has received a no-cost extension of the project period under its 2014-2015 CMS Navigator grant, but has not received a CMS Navigator grant for a 2015-2018 project period, will end when the no-cost extension ends. Individuals may not hold themselves out as Navigators or perform Navigator duties in an FFM or SPM unless they are affiliated with a current CMS Navigator grantee and have a current certification that accurately reflects that affiliation, or they are themselves certified as a current CMS Navigator grantee.

Navigators who were certified during the 2014-2015 grant period, who were not decertified before their 2014-2015 certification expired on September 15, 2015, and who will still be affiliated with the same CMS Navigator grantee organization with which they were affiliated when they were certified in 2014-2015, will be able to recertify by taking an abbreviated 2016 Navigator recertification training consisting of two modules entitled “SHOP Marketplace Assistance” and “Privacy, Security, and Fraud Prevention Standards” in order to perform duties for their affiliated organization after September 15, 2015, as long as the organization receives a no-cost extension of the project period for its 2014-2015 CMS Navigator grant and/or receives a CMS Navigator grant for a 2015-2018 project period. Navigators who take the abbreviated 2016 Navigator recertification training will also have access to the full suite of training modules that are required for the certification of Navigators, and can choose to take additional training modules.

Due to functional limitations of the MLMS training platform, Navigators who were certified during the 2014-2015 grant period, but who have become affiliated with a CMS Navigator grantee organization different from the one with which they were affiliated when they were certified in 2014-2015, should successfully complete the entire 2016 FFM Navigator training in order to become recertified to carry out Navigator duties after September 15, 2015 with the new CMS Navigator grantee organization. When a Navigator who was previously certified registers for training using a new ID number assigned to them by their new Navigator organization, the MLMS system cannot recognize their newly assigned ID number as associated with the ID number previously assigned to that Navigator by another Navigator organization. In other words, the MLMS system will treat that Navigator as a Navigator who has no prior training or certification history. Navigators in this situation should therefore successfully complete the full

³ The 2014-2015 CMS Navigator grant project period began September 16, 2014 and ends September 15, 2015.

2016 Navigator training using the unique ID number assigned to them by their new CMS Navigator grantee organization in order to ensure that they receive a valid Navigator certificate that reflects their current ID number and the CMS Navigator grantee organization with which they are currently affiliated.

Staff and volunteers of CMS Navigator grantee organizations who have not yet been certified, or who were decertified prior to the expiration of their 2014-2015 certification on September 15, 2015, will have to complete the entire 2016 FFM Navigator training in order to become certified to carry out Navigator duties. These Navigators should use the unique ID number assigned to them by the CMS Navigator grantee organization with which they will be affiliated, in order to ensure that the Navigator certificate issued to them will reflect their current ID number as well as their current affiliation with a CMS Navigator grantee organization.

We remind all CMS Navigator grantees that new staff must not carry out any Navigator duties until they have been trained and are certified.

III. Certification and Recertification Requirements for the CAC Program in FFMs

CMS regulations require that all certified application counselors (CACs) complete Marketplace-approved training, and complete and achieve a passing score on all Marketplace-approved certification examinations prior to being certified as a CAC and functioning as a CAC. CACs are also required to be recertified on at least an annual basis after successfully completing recertification training. Like Navigators, CACs must also meet any licensing, certification, or other standards prescribed by the State, if applicable, so long as such standards do not prevent the application of the provisions of title I of the Affordable Care Act.⁴

Recertification requirements applicable to CAC organizations in FFMs

CACs in FFMs must take the full 2016 FFM CAC training to be recertified. There is no abbreviated 2016 CAC recertification training.

To ensure that the CAC recertification requirement is satisfied, CAC designated organizations in the FFMs should recertify existing CACs within one year of the date the organization issued the CAC's current certification, after confirming that the CAC has successfully completed recertification training.

⁴ We encourage CACs and CAC organizations to review the standards applicable to CAC organizations and individual CACs under 45 CFR 155.225(d)(1), (d)(7), and (d)(8).

We encourage CAC designated organizations in FFM to have each of their CACs take the 2016 CAC training prior to the start of the Open Enrollment Period for the 2016 plan year in the individual market on November 1, 2015, even if the CAC is not due for recertification. This will ensure that CACs have received the most up-to-date training to be prepared to assist existing enrollees through the FFM redetermination and renewal process and to provide application and enrollment assistance during the Open Enrollment Period for the 2016 plan year in the individual market.

If a recertifying CAC completed his or her initial CAC training using a CAC ID number that has since been updated or changed by the certifying CAC organization, the CAC should take the 2016 CAC training using his or her new CAC ID number. The CAC should enter his or her current CAC ID number as the username on the MLMS training registration page. This will ensure that the CAC's current ID number will be reflected on the applicable training certificate that is generated upon successful completion of the CAC training.

We recognize that training for CACs in the FFMs was unavailable between June 15, 2015 and various dates in August 2015 (the exact end date varies depending on the state) because the training was removed from the Medicare Learning Network® platform in preparation for moving it to the new MLMS platform. As a result, CACs in the FFMs were unable to complete recertification training between June 15, 2015 and the date in August 2015 when the 2016 CAC training became available in their state. In recognition of these unique circumstances, CMS is providing the following guidance to CAC designated organizations in states with an FFM: If a CAC in an FFM was unable to complete recertification training due to the unavailability of the FFM CAC training between June 15, 2015 and the date in August 2015 when the 2016 CAC training became available in their state, and the CAC's certificate expired or will expire during the period from June 15, 2015 through September 15, 2015, CMS will not consider that CAC's FFM-designated CAC organization to be out of compliance with the requirement to recertify that CAC on at least an annual basis after successful completion of recertification training. In these cases, the CAC designated organization should ensure that the CAC takes the FFM CAC training as soon as it becomes available and should recertify the CAC as soon as possible after he or she completes the recertification training. The CAC designated organization may not permit such a CAC to provide application and enrollment assistance to consumers under last year's certificate after September 30, 2015.

IV. Frequently Asked Questions

- 1. As a 2014 CMS Navigator grantee, if we receive a no-cost extension of the project period of our 2014 grant, but are not awarded a 2015 CMS Navigator grant, does our staff need to complete the 2016 training and become recertified to keep working as federally-certified Navigators after September 15, 2015?**

Yes. Individual Navigators working for a 2014 CMS Navigator grantee organization that received a no-cost extension of the project period of the 2014 grant, but did not receive a CMS Navigator grant award for the 2015-2018 project period, will have to complete the 2016 Navigator training or abbreviated 2016 Navigator recertification training (as applicable) in order to continue working as a federally-certified Navigator after September 15, 2015, when their 2014-2015 certification expires. If a Navigator was not decertified prior to the expiration of their 2014-2015 certification on September 15, 2015, and is working for the same CMS Navigator grantee organization with which they were affiliated when they were certified in 2014-2015, they can take just the 2016 Navigator recertification training prior to becoming recertified. If a Navigator was decertified prior to the expiration date of their 2014-2015 certification on September 15, 2015, or will be working for a CMS Navigator grantee organization different from the one with which they were affiliated when they were certified in 2014-2015, then, as discussed above, they should take the entire 2016 Navigator training in order to be recertified.

The certification after September 15, 2015 of any Navigator working for an organization that has received a no-cost extension of the project period under its 2014-2015 CMS Navigator grant, but has not received a CMS Navigator grant for a 2015-2018 project period, will end when the no-cost extension ends.

We remind all CMS Navigator grantees that new staff must not carry out any Navigator duties until they have been trained and are certified.

- 2. We are a 2014 CMS Navigator grantee and applied for the 2015 Navigator FOA as well. Should our existing Navigator staff begin the recertification process during the summer, before new grant awards are announced, or should we wait to begin recertification until after the new grants are awarded?**

CMS Navigator grantees for 2014 that have applied for a CMS Navigator grant for the 2015-2018 project period, but have not received a no-cost extension of the project period for their 2014 CMS Navigator grants, should wait to learn the outcome of their 2015-2018 CMS Navigator grant application before their staff proceeds with Navigator training and certification for activities following the end of the 2014-2015 grant period. There is no guarantee that 2014 Navigator grantees will receive a CMS Navigator grant for the 2015-2018 project period. Staff of organizations that received a 2014 Navigator grant from CMS, but do not receive a no-cost extension of the project period of that grant or a CMS Navigator grant for the 2015-2018 project period, should stop carrying out consumer assistance activities after September 15, 2015, when the 2014-2015 Navigator grant period ends and their certificates from CMS expire.

Staff of CMS Navigator grantees for 2014 that are operating under a no-cost extension of the project period of their 2014 Navigator grant may continue to perform Navigator duties after September 15, 2015 only if they complete the 2016 Navigator recertification and/or certification requirements discussed above.

Again, the certification after September 15, 2015 of any Navigator working for an organization that has received a no-cost extension of the project period under its 2014-2015 CMS Navigator grant, but has not received a CMS Navigator grant for a 2015-2018 project period, will end when the no-cost extension ends.

We remind all CMS Navigator grantees that new staff must not carry out any Navigator duties until they have been trained and are certified.

3. Will the 2016 training for Navigators in FFMs be the same as the 2015 training?

The training content for Navigators in states with an FFM or SPM will be similar to last year's training, except this year training includes updated policy additions, in particular to the SHOP Marketplace Assistance and Privacy, Security, and Fraud Prevention Standards modules.

4. Will the 2016 training for CACs in FFMs be the same as the 2015 training?

CMS is updating the 2016 FFM CAC training curriculum to reflect policy updates, as it is doing for the 2016 FFM Navigator training. For 2015-2016, in addition to completing the required CAC training curriculum to become initially certified as a CAC or to become recertified, CACs will also have access to the full suite of training modules that are required for the certification of Navigators and non-Navigator assistance personnel operating in the FFMs. The additional courses will be optional for CACs and provide a more in-depth overview of the FFMs and the duties required of different assister types.

5. What are the FFM assister training courses for 2016? How many hours will be needed to complete the training?

The list below outlines the 2016 FFM training courses for Navigators, non-Navigator assistance personnel, and CACs. Navigators and non-Navigator assistance personnel in the FFMs will be required to successfully complete all courses listed below to become certified.

An asterisk identifies the required courses for CAC certification or recertification in the FFMs. CACs will only be required to successfully complete these courses.

The amount of time it takes to complete the training will vary from person to person. CMS estimates it will take approximately 20 hours to complete the entire FFM Navigator training and 5-10 hours to complete FFM CAC training:

- Training Overview*
- Health Insurance Basics
- Affordable Care Act Basics
- Marketplace Basics
- Marketplace Eligibility and Application Assistance*
- Marketplace Affordability and Assistance Programs*
- Marketplace Enrollment and Appeals Assistance (includes information on redeterminations)*
- Marketplace Exemptions Assistance*
- SHOP Marketplace Assistance
- Cultural Competence and Language Assistance
- Serving Vulnerable and Underserved Populations
- Working with Consumers with Disabilities
- Customer Service Standards and Community Outreach
- Privacy, Security, and Fraud Prevention Standards*
- Advanced Marketplace Issues

*Required for CACs in FFMs

6. What is the difference between the FFM training curricula for Navigator/non-Navigator assistance personnel and CACs?

Navigators and non-Navigator assistance personnel in the FFMs will be required to successfully complete all courses listed above to become certified. While CACs are required to complete fewer modules to become certified (as indicated by an asterisk), CACs will also have access to the full suite of training modules that are required for Navigator and non-Navigator assistance personnel certification in the FFMs. The additional courses will be optional for CACs and provide a more in-depth instruction on the FFMs and the duties required of different assister types.

7. I served as a Navigator in an FFM just for the individual market open enrollment period in 2014-2015 and then I became decertified. Can I take the abbreviated 2016 Navigator recertification training?

No. Only Navigators who were not decertified before their 2014-2015 certification expires on September 15, 2015, and who are working for the same CMS Navigator grantee organization

with which they were affiliated when they were certified in 2014-2015, are able to take just the abbreviated 2016 Navigator recertification training to become recertified. All other Navigators should take the full 2016 Navigator training in order to be recertified.

8. As an existing CAC or CAC designated organization in an FFM, do I need to complete and return a new agreement each year? Do I need to enter into a new agreement with our organization's CACs as part of their recertification?

No. CAC designated organizations in an FFM do not need to enter into and return a new agreement to CMS each year, since that agreement, by its terms, renews automatically after each one-year term (unless either CMS or the organization terminates it or CMS notifies the organization that the agreement will not be renewed). If CMS amends its agreement with a CAC designated organization without timely objection by the organization, those amendments become part of its agreement with the CAC designated organization.

CMS regulations do not require CAC designated organizations to enter into a new agreement with their individual CACs as part of the recertification process. However, each CAC designated organization must ensure that its agreements with individual CACs are consistent with 45 CFR 155.225(d)(6) and the organization's agreement with CMS. In addition, a CAC designated organization may choose to enter into a new agreement with its CACs in accordance with the organization's own internal policies and procedures for overseeing the individual CACs it certifies.

In addition, a CAC designated organization in an FFM should ensure that any agreement it has with its CACs is in effect and has not expired. If the CAC designated organization's agreement with its CAC has expired, the individual CAC is no longer authorized to serve as a CAC, and the organization must enter into a new agreement in order for the individual to serve as a CAC again, as required by federal regulations at 45 CFR 155.225(d)(6). As a reminder, the model agreement that CMS provided in each organization's welcome packet states that, with certain exceptions, it will renew automatically after each one year term,⁵ which would in many cases allow the organization to take no action in order to keep the same agreement in place.

9. As an individual Navigator or CAC in an FFM, how do I tell CMS that I have completed my training requirements for 2016?

⁵ The exceptions to the model agreement's automatic renewal are when: 1) the organization or individual CAC decides to terminate the agreement; 2) the organization notifies the individual CAC that the agreement will not be renewed; 3) the organization withdraws the individual CAC's certification; 4) the individual no longer holds a position as a staff member or volunteer with the organization; or 5) the organization is no longer designated by CMS as a CAC designated organization.

Individual Navigators who are not themselves CMS Navigator grantees should report completion of their training requirements to their Navigator organization. CMS Navigator grantee organizations will work with CMS to ensure that the appropriate individual Navigators on their staff are certified and/or recertified.

CACs in the FFM are not required to tell CMS that they have completed their training requirements or that they have been recertified by their organization. They should contact the CAC designated organization they are working with to confirm how to report to the organization the fact that they have completed the necessary training requirements. Please remember that the official CAC certification is not issued by CMS or by the MLMS training website; it is issued only by the CMS-designated organization with which the CAC is affiliated.

10. What steps should CAC designated organizations in an FFM take to recertify their CACs?

Organizations should do all of the following:

- Have a process in place for identifying individual CACs and evaluating their compliance with:
 - Federal rules governing the CAC program, as set forth in 45 CFR 155.225;
 - The terms and conditions of the CAC's agreement with the organization;
 - The organization's policies and procedures for its CAC activities; and
 - Any applicable state requirements that do not prevent the application of the provisions of title I of the Affordable Care Act.

- Ask each fully compliant CAC whether s/he is seeking to become recertified.

- For the individual CACs who would like to be recertified:
 - Require that the CAC disclose to the organization any relationships the individual has with qualified health plans or insurance affordability programs (e.g., Medicaid, CHIP, APTCs/CSRs), or other potential conflicts of interest, in accordance with 45 CFR 155.225(d)(2);⁶
 - Ensure CACs take the 2016 CAC training and provide the organization with proof of successful completion (e.g., the training certificate);
 - If necessary, enter into a new agreement with the individual CAC that is consistent with 45 CFR 155.225(d)(6) (see FAQ #8 above); and

⁶ Organizations should be aware that 45 CFR 155.225(g)(2) establishes that an individual or entity is not eligible to become (or continue to serve as) a CAC or CAC designated organization if s/he receives any consideration directly or indirectly from a health insurance or stop loss insurance issuer in connection with the enrollment of any individuals in a QHP or non-QHP. In an FFM, however, no health care provider shall be ineligible to operate as a CAC or CAC designated organization solely because it receives consideration from a health insurance issuer for health care services provided.

- Issue a new official CAC certificate. This certificate should include an expiration date that is one year from the date of issuance.
- If an organization is fulfilling its duty under 45 CFR 155.225(d)(2) to inform consumers of any relationships the organization has with qualified health plans or insurance affordability programs, or other potential non-disqualifying conflicts of interest, by providing this information to consumers through its individual CACs, then the organization should re-disclose such relationships to all its recertified CACs to ensure that this information is current when a CAC provides this information to consumers.

Organizations must not issue any CAC recertifications until all steps required for recertification are completed, including ensuring that individuals take 2016 FFM CAC training and show proof of successful completion.

11. If a CAC in an FFM informs a CAC designated organization that s/he does not wish to be recertified or the organization decides not to recertify the CAC, what steps should the organization take?

Although the agreement between CMS and each CAC designated organization in an FFM requires the organization to have at least one staff member or volunteer certified as a CAC, CAC organizations do not need to inform CMS regarding which CACs will not be recertified or which CACs the organization has certified or recertified. We note that CMS reserves the right to request the names and identification numbers of all CACs certified by the organization, pursuant to section II.4 of the agreement between CMS and the CAC designated organization.

Once an individual CAC's certification or agreement has expired or has been withdrawn, the organization must comply with the provisions of its agreement with CMS that are triggered when an individual CAC's certification is withdrawn, including ensuring that consumer personally identifiable information is protected and that neither the organization nor the individual holds the former CAC out to the public (either orally or through written materials) as a CAC.

12. What resources are available to assisters other than the required training?

CMS will continue to provide ongoing technical assistance, including, for example, via webinars and the Assister newsletter. This will allow for on-going training opportunities throughout the year to ensure assisters are up to date on any policy changes or other relevant developments impacting assisters and the consumers they serve. We are continuing to identify and implement new ways for assisters to better access and use the technical assistance information provided by CMS.

Any questions about the requirements included in this bulletin should be directed as follows:

- **Certified Application Counselors:** Please send your questions via email to CACQuestions@cms.hhs.gov.
- **Navigators:** Please contact your CMS project officer.