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From: Jennifer Beeson, Director, Consumer Support Group

Title: CMS Enrollment Assister Bulletin: 2017-01

Subject: Guidance Regarding Training, Certification, and Recertification for Navigators and Certified Application Counselors in the Federally-facilitated Marketplaces¹

I. Purpose

The Centers for Medicare & Medicaid Services (CMS) has updated the training curriculum for Navigators and certified application counselors (CACs) in the Federally-facilitated Marketplaces (FFMs), in preparation for the Open Enrollment Period beginning November 1, 2017 for the 2018 plan year in the individual market. In this bulletin, we refer to this updated training curriculum as the “2018 training,” and refer to Navigators, CACs, and CAC designated organizations (CDOs) in the collectively as “assisters.” Similar to last year, the 2018 training is available through the Marketplace Learning Management System (MLMS).

This bulletin provides guidance on training, certification, and recertification requirements and procedures for Navigators, CACs, and CDOs in the FFMs.

II. Limited 2018 Recertification Extension for Certain Returning Assisters

To prepare for the release of the 2018 training, the 2017 Assister Certification Training that is hosted on the MLMS was taken offline on Friday July 21, 2017. Assister certification training was unavailable between July 21, 2017 and early August 2017. As a result, assisters in FFM were unable to complete training between July 21, 2017 and August 4, 2017 when the 2018 training became available.

In recognition of these circumstances, last month CMS provided the following guidance to assisters in FFM:

- A. Navigators- If you are a Navigator affiliated with the same organization with which you were affiliated when certified for 2016-2017, were unable to complete recertification

¹ The terms “Federally-facilitated Marketplace” and “FFM,” as used in this bulletin, include FFMs where the state performs plan management functions and State Partnership Marketplaces.

training due to the unavailability of the FFM Navigator training between July 21, 2017 and August 3, 2017, and your certification expired or will expire during the period from July 11, 2017 through September 1, 2017, CMS does not consider you to be out of compliance with the requirement to obtain continuing education and be recertified on at least an annual basis. In these circumstances, Navigators may continue to carry out Navigator activities, but must take the 2018 Navigator training and be recertified as soon as possible. Navigators who use this extension will not be permitted to carry out any Navigator functions (including outreach and education activities), under their 2016-2017 certification beyond September 30, 2017. Please note, however, that Navigators affiliated with an organization that did not receive funding for the 2017-2018 budget period of the 2015-2018 CMS Navigator grants may not carry out any Navigator functions in connection with that organization after September 1, 2017.

- B. Certified Application Counselor designated organizations (CDOs)- If a CAC in an FFM was unable to complete recertification training due to the unavailability of the CAC training between July 21, 2017 and August 3, 2017, and the CAC's certification expired or will expire during the period from July 21, 2017 through September 15, 2017, CMS does not consider that CAC's FFM CDO 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 circumstances, the CDO should ensure that the CAC takes the 2018 CAC Certification training and should recertify the CAC as soon as possible after he or she completes the training. The CDO may not permit such a CAC to provide application and enrollment assistance to consumers under last year's certificate after September 30, 2017.

III. Certification and Recertification Requirements for the Navigator Program in the FFM

CMS regulations require all Navigators in the FFM to complete training that has been approved by the U.S. Department of Health and Human Services (HHS) and to achieve a passing score on all approved certification examinations before being certified and carrying out any required or authorized Navigator functions. FFM Navigators must also obtain continuing education and be certified and/or recertified on at least an annual basis.² Navigators must 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.³

² 45 CFR 155.215(b)(1).

³ 45 CFR 155.210(c)(1)(iii).

Similar to the policy that applied in previous years, all new staff and volunteers of CMS Navigator grantee organizations will need to successfully complete the entire 2018 CMS Navigator training and become certified prior to performing any Navigator functions. Depending on specific factors, as explained below, some FFM Navigators who were certified during the 2016-2017 budget period under an award for the 2015-2018 Navigator grant project period may be able to complete an abbreviated 2018 recertification training and then be recertified by CMS, whereas others should complete the entire 2018 Navigator training before being recertified.

Navigators who (1) were certified during the 2016-2017 budget period under an award for the 2015-2018 Navigator grant project period, (2) were not decertified, and (3) are still affiliated with the same CMS Navigator grantee organization with which they were affiliated when they were certified in 2016-2017, will be able to recertify by taking a recertification training curriculum in order to perform Navigator functions for their affiliated organization during the 2017-2018 budget period.

This year, the Navigator recertification training will consist of a new Refresher course plus the following 2018 required courses:

- Privacy, Security, and Fraud Prevention Standards
- Coverage to Care Assistance
- Assister Standard Operating Procedures

The Refresher course reviews 2018 operational updates in the FFMs, including eligibility, enrollment, exemptions, and appeals assistance. Navigators who can take the recertification training will still have access to the full suite of 2018 training courses and may choose to complete additional training courses if desired.

Due to functional limitations of the MLMS training platform, Navigators who were certified during the 2016-2017 budget period under an award for the 2015-2018 Navigator grant project period, but who are now affiliated with a different CMS Navigator grantee organization, should successfully complete the entire 2018 FFM Navigator training to become recertified to carry out any Navigator functions with their current organization. The MLMS cannot associate a Navigator's ID number from a new organization with a different ID number from the Navigator's previous organization; the MLMS 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 2018 Navigator training using the unique ID number assigned to them by their new CMS Navigator grantee organization 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, will have to complete the entire 2018 FFM Navigator training in order to become certified to carry out Navigator functions. These Navigators should use the unique ID number assigned to them by the CMS Navigator grantee organization with which they are affiliated to ensure that the Navigator certificate issued to them reflects their current ID number as well as their current affiliation with a CMS Navigator grantee organization.

We remind all CMS Navigator grantees that staff and volunteers must not hold themselves out as Federally-certified Navigators, and must not carry out any Navigator functions (including outreach and education activities⁴), until they have been trained and are certified or recertified, as applicable. Additionally, individuals may not hold themselves out as Navigators or perform Navigator functions in an FFM 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.

IV. Certification and Recertification Requirements for the CAC Program in FFM

CMS regulations require that all CACs complete Marketplace-approved training and complete and achieve a passing score on all Marketplace-approved certification examinations prior to being certified and functioning as a CAC. CACs are 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.⁵

⁴ See 45 CFR 155.215(b)(1). As noted in the preamble to the [2017 Payment Notice](#), “nothing in the Marketplace regulations prohibits individuals who are not trained and certified as Marketplace-approved Navigators, non-Navigator assistance personnel, or certified application counselors from conducting outreach about Marketplaces and providing application and enrollment assistance. These individuals may of course conduct outreach and education about Marketplaces as long as they do not represent themselves as Marketplace-approved Navigators, non-Navigator assistance personnel, or certified application counselors.” 81 Fed. Reg. 12204, 12257 (Mar. 8, 2016).

⁵ We encourage CACs and CDOs to review the standards applicable to CAC organizations and individual CACs under 45 CFR 155.225(d)(1), (d)(7), and (d)(8).

Recertification requirements applicable to CACs and CDOs in FFM

CACs in FFMs must complete the full 2018 FFM CAC training to be recertified. There is no abbreviated 2018 CAC recertification training.

As specified in the agreements between CMS and CDOs in FFMs, and consistent with 45 CFR 155.225(b)(2)(i), CDOs are responsible for certifying and recertifying individual CACs who are associated with the CDO. To ensure that the CAC recertification requirement is satisfied, CDOs in FFMs should recertify existing CACs within one year of the date that the CDO issued the CAC's current certification, after confirming that the CAC has successfully completed recertification training and continues to meet all other certification requirements.

We encourage CDOs in FFMs to have each of their CACs complete the 2018 CAC training prior to the start of the Open Enrollment Period for the 2018 plan year in the individual market, which begins on November 1, 2017, even if the CAC is not due for recertification. This will ensure that CACs receive 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 Open Enrollment.

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 CDO, the CAC should take the 2018 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.

V. Frequently Asked Questions

1. Will the 2018 training for Navigators in FFMs be the same as the 2017 training?

CMS is excited to announce several changes to the 2018 training that will benefit Navigators in FFMs. CMS incorporated feedback from stakeholders across the assister community and included key policy and operational updates for 2018. The training includes virtual simulations that illustrate the Marketplace application and enrollment process on HealthCare.gov as well as new *Coverage to Care Assistance* and *Assister Standard Operating Procedures* courses. The training also takes an in-depth look at important assister resources such as the *Assister's Roadmap to Resources*, webinars, the CMS Health Insurance Casework System, and common referrals to outside organizations to assist consumers with varying needs. Also, assisters may complete an optional, enhanced *Advanced Marketplace Issues & Technical Support* course for a deeper dive on resolving complex operational issues that consumers encounter.

2. Will the 2018 training for CACs in FFM be the same as the 2017 training?

Similar to the updated 2018 FFM Navigator training, the 2018 FFM CAC training curriculum includes virtual simulations that walk an assister through the Marketplace application and enrollment process on HealthCare.gov as well as a new *Coverage to Care Assistance* course. The *SHOP Marketplace Assistance* course will no longer be a required course for CACs in FFM. CACs will also have access to the full suite of training courses that are required for the certification of Navigators operating in an FFM. These courses are optional for CACs.

3. What are the FFM Navigator and CAC training courses for 2018? How many hours will be needed to complete the training?

The 2018 FFM training for Navigators and CACs includes the following courses:

- Training Overview*
- Health Coverage Basics
- Affordable Care Act Basics
- Serving Vulnerable and Underserved Populations
- Cultural Competence and Language Assistance
- Working with Consumers with Disabilities
- Customer Service Standards and Community Outreach
- Privacy, Security, and Fraud Prevention Standards*
- Marketplace Basics
- Marketplace Eligibility and Application Assistance*
- Comparing and Enrolling in Marketplace Plans*
- New Course: Coverage to Care Assistance*
- Marketplace Exemptions and Appeals Assistance*
- SHOP Marketplace Assistance
- New Course: Refresher Course
- New Course: Assister Standard Operating Procedures
- Advanced Marketplace Issues and Technical Support**

*Required for CACs in an FFM

**Optional for Navigators and CACs in the FFM

Navigators in the FFM s will be required to successfully complete all courses to become certified.

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

4. What is the difference between the FFM training curricula for Navigators and CACs?

Navigators in FFM s are 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 also have access to the full suite of training modules that are required for Navigator certification in the FFM s. The additional courses are optional for CACs and provide a more in-depth instruction on the FFM s.

5. I served as a Navigator in an FFM for the 2017 individual market Open Enrollment Period and then I was decertified. Can I take the abbreviated 2018 Navigator recertification training?

No. Only Navigators who (1) were certified during the 2016-2017 budget period under an award for the 2015-2018 Navigator grant project period, (2) were not decertified, and (3) are still affiliated with the same CMS Navigator grantee organization with which they were affiliated when they were certified in 2016-2017, will be able to recertify by taking a recertification training curriculum in order to perform Navigator functions for their affiliated organization during the 2017-2018 budget period. All other Navigators should take the full 2018 Navigator training.

6. If I am a Navigator who can take the 2018 Navigator recertification training, may I take additional courses offered in MLMS?

Yes. Navigators who can take the 2018 Navigator recertification training may take additional courses as desired. We encourage Navigators to complete the required courses for recertification first before completing any optional courses, although any additional, optional training courses taken will not affect the recertification process.

7. As an existing CDO 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. CDOs in a 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 CDO terminates it or CMS notifies the CDO that the agreement will not be renewed). If CMS amends its agreement with a CDO without timely objection by the CDO, those amendments become part of its agreement with the CDO.

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

Each CDO in an FFM should ensure that any agreement it has with its CACs is in effect and has not expired. If the CDO's agreement with its CAC expired, the individual CAC is no longer authorized to serve as a CAC and the CDO 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).

8. As an individual CAC in an FFM, what do I need to do to get certified or recertified by CMS?

CMS does not certify or recertify individual CACs in the FFMs. Certification and recertification of individual CACs in FFMs is the responsibility of FFM CDOs. Each FFM CDO must ensure that all CACs it certifies or recertifies have completed the necessary training requirements, consistent with the CDO's agreement with CMS. Individual CACs should check with the CDO they are affiliated with to learn how to report successful completion of required training.

Please remember that the official CAC certification is not issued by CMS or by the MLMS training website; it is issued only by the CDO with which the CAC is affiliated.

9. What steps should CDOs in an FFM take to recertify their CACs?

CDOs 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 CDO;
 - The CDO'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 individual CACs who would like to be recertified:
 - Require that the CAC disclose to the CDO 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 complete the 2018 CAC training using their CAC IDs and provide the CDO 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 #7 above); and
 - Issue a new, official CAC certificate. This certificate should include an expiration date that is one year from the date of issuance.
- If a CDO is fulfilling its duty under 45 CFR 155.225(d)(2) to inform consumers of any relationships the CDO 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 CDO 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.

CDOs must not issue any CAC recertification until all steps required for recertification are completed, including ensuring that individuals have taken the 2018 CAC training and shown proof of successful completion.

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

Although the agreement between CMS and each CDO in an FFM requires the CDO to have at least one staff member or volunteer certified as a CAC, CDOs do not need to inform CMS

⁶ CDOs 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 CDO 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 CDO solely because it receives consideration from a health insurance issuer for health care services provided.

regarding which CACs will not be recertified. CMS, however, reserves the right to request the names and identification numbers of all CACs certified by the CDO, pursuant to Section II.4 of the agreement between CMS and the CDO.

Once an individual CAC's certification or agreement expires or has been withdrawn, the CDO 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 CDO nor the individual holds the former CAC out to the public (either orally or through written materials) as a CAC.

11. What resources are available to Navigators and CACs in FFMs other than the required training?

CMS will continue to provide ongoing technical assistance, including, for example, webinars and newsletters. Throughout the year, CMS will provide on-going training opportunities to ensure Navigators and CACs in FFMs are up to date on any policy changes or other relevant developments impacting Navigators and CACs in FFMs and the consumers they serve. We are continuing to identify and implement new ways for Navigators and CACs in FFMs 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.