



Tips for FFM Assisters on Working with Outside Organizations



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Agenda

- Ways Assisters Can Work With Outside Organizations
- Required Referrals
- Requirements and Prohibitions When Working with Outside Organizations
- Tips For Identifying Organizations For Partnership or Collaboration
- Knowledge Checks

A Note About This Presentation

- This presentation addresses specific requirements, guidelines, and best practices for Navigators and certified application counselors (CACs) (collectively referred to as “assisters” or “you” in this presentation) in Federally-facilitated Marketplaces (FFMs, also known as Exchanges or FFEs).
- The terms “Federally-facilitated Marketplace” and “FFM,” as used in this presentation, include FFM where the state performs plan management functions.
- By “outside organizations,” we mean organizations that are not other assister organizations or HHS entities such as CMS Regional Offices.
- Assisters should be aware that other state or federal laws that are not discussed in this presentation might apply to their relationships with outside organizations.

Ways Assistors Can Work With Outside Organizations

Assisters Might Find It Helpful to Work With or Refer Consumers to:

- Federal or state programs that offer health care, health coverage, payment assistance, or discounts related to health services.
- Organizations that specialize in disease-specific or local patient groups.
- Other local or community organizations.
- Local businesses.



Working With Agents and Brokers

- Understand when it is appropriate to inform consumers about agents' and brokers' services.
- Know how you can collaborate and engage with agents and brokers without violating assister legal requirements.
- Referrals to a general listing of agents and brokers may be helpful to consumers, **but assisters should not refer consumers to a specific agent or broker.**



Working with Agents and Brokers (Cont.)

- Assisters can refer consumers and employers to Help on Demand*, a real-time referral system that connects consumers with Marketplace-registered, licensed agents and brokers in their area who can assist them with plan selection and enrollment in individual health insurance coverage through the Marketplace or in Small Business Health Options Program (SHOP) coverage. For more information, visit: [Marketplace.cms.gov/technical-assistance-resources/help-on-demand-tool-faq.pdf](https://www.Marketplace.cms.gov/technical-assistance-resources/help-on-demand-tool-faq.pdf).
- For more information about the requirements and limitations that apply when working with, collaborating with, or partnering with agents and brokers, visit: [Marketplace.cms.gov/technical-assistance-resources/agents-and-brokers-guidance-for-assisters.PDF](https://www.Marketplace.cms.gov/technical-assistance-resources/agents-and-brokers-guidance-for-assisters.PDF).

**Note: This is a third-party service developed and hosted by Help On Demand (formerly known as BigWave Systems). Help On Demand referrals are not provided by CMS or the Marketplace and they do not constitute an endorsement by the Department of Health & Human Services or the U.S. Government of the individual agents or brokers.

Required Referrals

Required Referrals

- Consumer grievances, complaints, and questions about health coverage
- Consumer questions about certain tax topics
- Consumers' legal questions related to Marketplace eligibility appeals
- Referrals to other assisters, the Marketplace Call Center, or other resources



You can find more information about referrals on our website here:

[Marketplace.cms.gov/technical-assistance-resources/assister-guidance-on-referrals-to-outside-organizations.pdf](https://www.marketplace.cms.gov/technical-assistance-resources/assister-guidance-on-referrals-to-outside-organizations.pdf)

Required Referrals (Cont.)

- When providing referrals, assisters should refer consumers to outside organizations that are required to provide fair, accurate, and impartial information, which may include:
 - State or Federal Government agencies;
 - Professionally licensed, accredited, or certified tax advisers and preparers; and
 - Licensed attorneys.
- **Best Practice Tip:**
 - Ensure that all organizations you work with provide unbiased, accurate, and up-to-date information to consumers.



Recommendations and Reminders for Working With Outside Organizations

General Recommendations and Reminders For Working With Outside Organizations

- Assisters are generally permitted to collaborate with, make referrals to, and recommend the services of **specific outside organizations**. While assisters are generally prohibited from referring consumers to specific agents and brokers, they may do so if a consumer asks for help with contacting a specific agent or broker after looking at a general listing of agents and brokers and selecting a specific agent or broker to contact.
- **Reminder:** Agents and brokers are typically compensated by health insurance companies with whom they have a contract and are sometimes exclusively affiliated with a specific health insurance company or company to sell certain products. With the exception of web brokers, agents and brokers are not required by federal law to display all available QHPs or to facilitate enrollment into all QHPs.

General Recommendations and Reminders For Working With Outside Organizations (Cont.)

- To ensure that your referrals, collaborations, and partnerships are fair and impartial, assisters should apply the **same list of objective criteria** in selecting each organization you refer consumers to or partner or collaborate with.
- When working with outside organizations, any assister receiving HHS grant or contract funding should **follow**:
 - **The terms of its grant or contract;**
and
 - All applicable grant or contract regulations.



General Recommendations and Reminders For Working With Outside Organizations (Cont.)

- As a best practice, assisters should also clearly inform consumers:
 - Whether the outside organization is **approved or certified by the FFM**;
 - Whether it is likely to be bound by the same legal requirements and prohibitions that apply to you and your organization, such as privacy and security requirements; and
 - That the referral to an outside organization **does not imply an endorsement of that organization by CMS.**



General Recommendations and Reminders For Working With Outside Organizations (Cont.)



- **What you cannot do:**

- Assisters should **not accept payment** in exchange for providing a referral or recommending the services of an outside organization.
 - ❖ This does not prohibit referrals between an assister and an outside organization.
 - ❖ Other state or federal laws might apply to your relationships with outside organizations.

Summary of Recommendations and Reminders

Recommendations

- **Assisters should** apply the same list of objective criteria in selecting an organization for referral, partnership, or collaboration.
- **Assisters should** follow the terms of HHS grant or contract funding received and applicable grant or contract regulations when working with outside organizations.
- **Assisters should** inform consumers:
 - Whether the outside organization is approved or certified by the FFM.
 - Whether the referral is bound by the same legal requirements and prohibitions that apply to you and your organization.
 - That the referral **does not imply** an endorsement of that organization by CMS.

Reminders

- **Assisters should not** accept payment in exchange for providing a referral or recommending the services of an outside organization.
 - This **does not** prohibit referrals between an assister and an outside organization.
 - Assisters should also be aware that other state or federal laws that are not discussed in this presentation might apply to their relationships with outside organizations.
- **Assisters may not** refer consumers to a specific agent or broker.

Note: These tips and best practices are an interpretation of regulations and are not statutory or regulatory requirements.

Tips for Identifying Organizations For Partnership or Collaboration

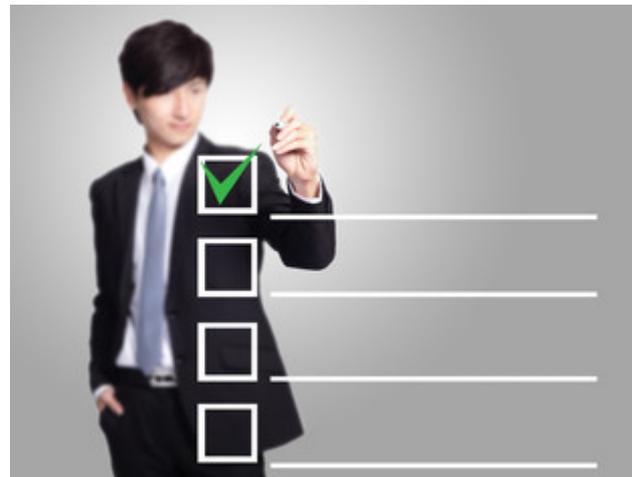
Tips For Identifying Organizations For Partnership or Collaboration

- Identify the subject areas in which a referral resource or partnership might be required or helpful.
- Know your community.
- Identify the organizations, businesses, and individuals in your community that can provide appropriate and helpful assistance to consumers.



Tips For Identifying Organizations For Partnership or Collaboration (Cont.)

- Develop a list of objective criteria for evaluating a potential resource and referral or collaboration partner.
 - For more information and questions to consider in developing your organization's own list of objective criteria, visit:
Marketplace.cms.gov/technical-assistance-resources/collaboration-job-aid-1.pdf

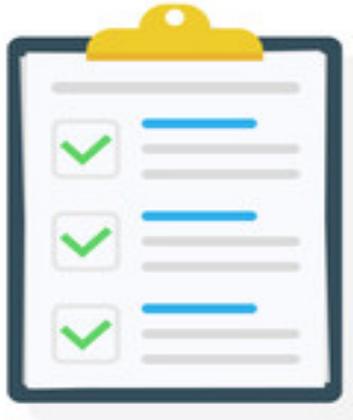


Tips For Identifying Organizations For Partnership or Collaboration (Cont.)

- Get to know the potential outside organization.
 - Engage a wide variety of organizations who do similar work.
 - Expand your presence.
 - Generate referrals.



Tips For Identifying Organizations For Partnership or Collaboration (Cont.)



- Create a list of the persons and organizations you have decided to partner and collaborate with so it is readily available when working with consumers.

Knowledge Checks

Knowledge Check #1

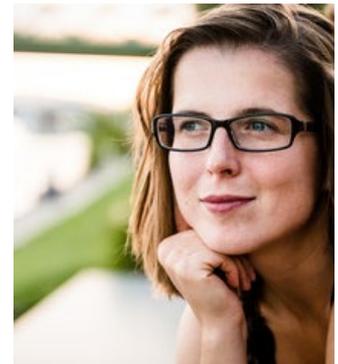
If I want to refer a consumer to a homeless shelter, may I refer the consumer to a particular one, or do I have to provide the consumer with a list of all the homeless shelters in their area?



Knowledge Check #1 Answer

Generally, you may refer a consumer to a specific homeless shelter as long as you follow the guidelines we've discussed, including:

- Ensuring that the referral is consistent with your duty to **provide fair, accurate, and impartial information**, including by ensuring that the shelter does not have a direct financial relationship with health insurance or stop loss insurance issuers or a financial incentive to enroll consumers into a specific health plan or coverage.
- Applying the **same list of objective criteria** in selecting the shelter that you apply when selecting any organization you refer consumers to or partner or collaborate with.
- You should also consider the **best interests of the consumer** and the consumer's expressed interests, needs, and desires.
- **Not accepting payment in exchange for providing the referral or recommending the shelter's services.**



Knowledge Check #2

Can an individual assister be trained to provide tax services under the Volunteer Income Tax Assistance (VITA) program?
Can an assister organization also serve as a VITA site?



Knowledge Check #2 Answer

Yes, as long as the assister and the assister organization keep their assister work separate from their tax preparation work. Many assisters find it helpful to have VITA volunteers on site to provide assistance with the tax filing components of the premium tax credit reconciliation process or claiming exemptions through a federal tax return, and some assisters are dually trained as assisters and VITA volunteers.

However, **assisters may not provide tax advice in their capacity as assisters.** For example, assisters acting in their capacity as assisters should not help consumers fill out IRS forms or complete their tax returns. Where assisters are also tax professionals, they should keep these duties separate and not perform any tax assistance within their capacity as assisters or using HHS Navigator grant funds.



Resources

- **Tips for Assisters on Working with Outside Organizations**
 - [Marketplace.cms.gov/technical-assistance-resources/assister-guidance-on-referrals-to-outside-organizations.pdf](https://marketplace.cms.gov/technical-assistance-resources/assister-guidance-on-referrals-to-outside-organizations.pdf)
- **Information and Tips for Assisters: How and when to provide information about agent and broker services to consumers, and other information about engaging with agents and brokers**
 - [Marketplace.cms.gov/technical-assistance-resources/agents-and-brokers-guidance-for-assisters.PDF](https://marketplace.cms.gov/technical-assistance-resources/agents-and-brokers-guidance-for-assisters.PDF)
 - [Marketplace.cms.gov/technical-assistance-resources/working-with-agents-and-brokers.pdf](https://marketplace.cms.gov/technical-assistance-resources/working-with-agents-and-brokers.pdf)
- **Tip Sheet: Federally-facilitated Marketplace Assister Conflict of Interest Requirements**
 - [Marketplace.cms.gov/technical-assistance-resources/conflict-of-interest-requirements.pdf](https://marketplace.cms.gov/technical-assistance-resources/conflict-of-interest-requirements.pdf)
- **Assister webinars:**
 - [Marketplace.cms.gov/technical-assistance-resources/assister-webinars.html](https://marketplace.cms.gov/technical-assistance-resources/assister-webinars.html)