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Title: CMS Enrollment Assister Bulletin: 2016-01

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

I. Purpose

In preparation for the Open Enrollment Period beginning November 1, 2016 for the 2017 plan year in the individual market, the Centers for Medicare & Medicaid Services (CMS) has updated the Navigator and certified application counselor (CAC) training curriculum for the Federally-facilitated Marketplaces (FFMs). In this bulletin, we refer to this updated training curriculum as the “2017 training.” Similar to last year, the 2017 training will be available through 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 (CDOs) in the FFMs. We anticipate that the updated training will be available by mid-July 2016.

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

CMS regulations require all Navigators in FFMs 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 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.³

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.

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 2017 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 2015-2016 budget period under an award for the 2015-2018 Navigator grant project period may be able to complete an abbreviated 2017 Navigator recertification training and then be recertified by CMS, whereas others should complete the entire 2017 Navigator training before being recertified.

Navigators who were certified during the 2015-2016 budget period under an award for the 2015-2018 Navigator grant project period, who were not decertified, and who will still be affiliated with the same CMS Navigator grantee organization with which they were affiliated when they were certified in 2015-2016, will be able to recertify by taking an abbreviated 2017 Navigator recertification training in order to perform Navigator functions for their affiliated organization during the 2016-2017 budget period under the 2015-2018 grants. This year, the recertification training will consist of two modules, “Advanced Marketplace Issues” and “Privacy, Security, and Fraud Prevention Standards.” Navigators who can take the abbreviated 2017 Navigator recertification training will still have access to the full suite of 2017 Navigator training modules, and may choose to take additional training modules if desired.

Due to functional limitations of the MLMS training platform, Navigators who were certified during the 2015-2016 budget period under an award for the 2015-2018 Navigator grant project period, but who are now affiliated with a CMS Navigator grantee organization different from the one with which they were affiliated when they were certified in 2015-2016, should successfully complete the entire 2017 FFM Navigator training in order to become recertified to carry out any Navigator functions 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 2017 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, will have to complete the entire 2017 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 in order 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.

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

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 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

Recertification requirements applicable to CACs and CDOs in FFM

CACs in FFM must take the full 2017 FFM CAC training to be recertified. There is no abbreviated 2017 CAC recertification training.

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

As specified in the agreements between CMS and CDOs in FFM, and consistent with 45 CFR 155.225(b)(2)(i), CDOs are responsible for certifying and recertifying the individual CACs who are associated with the CDO. To ensure that the CAC recertification requirement is satisfied, CDOs in FFM 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 FFM to have each of their CACs take the 2017 CAC training prior to the start of the Open Enrollment Period for the 2017 plan year in the individual market, which begins on November 1, 2016, 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 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 2017 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.

IV. Frequently Asked Questions

1. Will the 2017 training for Navigators in FFM be the same as the 2016 training?

The training content for Navigators in states with an FFM will be similar to last year's training, with updated policy additions. Additionally, the courses required for this year's abbreviated 2017 recertification training will be the "Advanced Marketplace Issues" and "Privacy, Security, and Fraud Prevention Standards" modules.

2. Will the 2017 training for CACs in FFM be the same as the 2016 training?

CMS has updated the 2017 FFM CAC training curriculum to reflect policy updates, similar to the updates for the 2017 FFM Navigator training. Additionally, SHOP Marketplace Assistance will now be a required course for CACs in FFM. CACs will also have access to the full suite of training modules that are required for the certification of Navigators operating in an FFM. The additional courses will be optional for CACs and provide a more in-depth overview of the FFM.

3. What are the FFM Navigator and CAC training courses for 2017? How many hours will be needed to complete the training?

The list below outlines the 2017 FFM training courses for Navigators and CACs. Navigators 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. This year, the SHOP Marketplace Assistance course will be included as a new course requirement for CACs. CACs will only be required to successfully complete the courses identified with an asterisk.

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 5-10 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*
- 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 an FFM

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

Navigators in 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 certification in the FFM. The additional courses will be optional for CACs and provide a more in-depth instruction on the FFMs.

5. I served as a Navigator in an FFM just for the 2016 individual market open enrollment period and then I was decertified. Can I take the abbreviated 2017 Navigator recertification training?

No. Only Navigators who were certified during the 2015-2016 budget period under an award for the 2015-2018 Navigator grant project period, who were not decertified, and who are working for the same CMS Navigator grantee organization with which they were affiliated when they were certified in 2015-2016, are able to take the abbreviated 2017 Navigator recertification training to become recertified. All other Navigators should take the full 2017 Navigator training in order to be recertified.

6. If I am a Navigator who can take the abbreviated 2017 Navigator recertification training, may I take additional courses offered in MLMS?

Yes. Navigators who can take the abbreviated 2017 Navigator recertification training must take the two required courses for recertification, but then may also take additional courses as desired. Although any additional, optional training courses taken should not affect the recertification process, we encourage these Navigators to complete the required courses for recertification first before taking any of the additional, optional courses.

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 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 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 has 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 Navigator in an FFM, how do I tell CMS that I have completed my training requirements for 2017?

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

9. 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.

10. 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 the 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 take the 2017 CAC training 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 take 2017 CAC training and show proof of successful completion.

11. 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 regarding which CACs will not be recertified. Beginning for the third quarter of calendar year 2017, CDOs in FFMs will be required to submit quarterly reports pursuant to 45 CFR 155.225(b)(1)(iii), which must include, among other data, data regarding the number of individuals who have been certified by the CDO. We also note that CMS reserves the right to

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.

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 has expired 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.

12. 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, via 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.