

Information and Tips for Certified Application Counselor Organizations in a Federally-facilitated Marketplace (FFM)

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This Certified Application Counselor (CAC) fact sheet is a companion document to the presentation titled, “How to Become a CAC Organization in a Federally-facilitated Marketplace (FFM)” dated July 23, 2014. A slide deck to this presentation can be found here <http://marketplace.cms.gov/technical-assistance-resources/assister-programs/general-information-assister-programs.html>

The Centers for Medicare & Medicaid Services (CMS) designates CAC organizations for the FFM, including State Partnership Marketplaces (SPMs). Organizations that receive a CMS designation are responsible for certifying their staff members and volunteers as CACs. CMS does not designate or certify individuals to be CACs, and does not designate or certify organizations to be CAC organizations in State-based Marketplaces (SBMs) including supported SBMs. Prospective CAC organizations located in SBMs should contact the SBM or go to the SBM’s website for information about the CAC program in that state. For links to each SBM’s website, go to <http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/state-marketplaces.html>.

What is a CAC Organization, and What is an Individual CAC?

In FFMs, including SPMs, a CAC organization is an organization that has submitted the online CAC organization application, met specific eligibility criteria, and completed all steps for CMS designation, including entering into an agreement with CMS. Applicants apply by completing

and submitting the online CAC organization application located at <http://marketplace.cms.gov/technical-assistance-resources/assister-programs/cac-apply.html>.

Once designated, the organization must agree to certify at least one staff member or volunteer to be a CAC. In addition, the organization must maintain a registration process and method to track the performance of CACs.¹ Although there is no limit to the number of CACs an organization can certify, each CAC designated organization must agree to oversee its individual CACs and ensure that they comply with the program's requirements; therefore, a designated organization should certify only as many individual CACs as it can reasonably oversee.²

An individual CAC is a staff member or volunteer of a designated CAC organization who has successfully completed all CAC training required by CMS, has disclosed to the organization any potential conflicts of interest, has entered into an agreement with the organization promising compliance with CMS regulations governing the CAC program, has complied with any other applicable requirements set forth by the designated organization or the state, and has been certified by the designated organization to perform CAC duties, which include but are not limited to providing information to consumers about the full range of Qualified Health Plan (QHP) options and insurance affordability programs for which they are eligible.³ An individual CAC should not consider him or herself to be certified until he or she receives an official CAC certificate from his or her designated organization. New regulations require all CACs to be recertified on at least an annual basis after successfully completing recertification training. To ensure that this recertification requirement is satisfied, CAC designated organizations in the FFM and SPMs should recertify existing CACs within one year of the date the organization issued the CAC's current certification. More information about the recertification requirement can be found at: <http://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/Downloads/FINAL-Recertification-Bulletin-08-15-2014.pdf>.

Eligibility Requirements for Organizations

In order for CMS to designate an organization as a CAC organization in an FFM, including an SPM, the organization must meet all of the following criteria:

- Must intend to provide CAC services to consumers in a state with an FFM, or an SPM;
- Must have processes in place to screen its staff members and volunteers who are certified as CACs to ensure that they protect consumers' personally identifiable information (PII);

¹ 45 C.F.R. § 155.225(b)(1)(ii)

² 45 C.F.R. § 155.225(c) and (d). *See also* <http://marketplace.cms.gov/technical-assistance-resources/assister-programs/general-information-assister-programs.html>

³ 45 C.F.R. § 155.225(c)(1) and (d)

- Evidence that an organization has processes in place to screen staff members and volunteers could include the following:
 - Reference checks (e.g., with past employers) are conducted;
 - Verifying a staff member's or volunteer's government-issued identification or any applicable education/licensure/certification status;
 - Criminal background checks are conducted; or
 - Other tools are used that will tell the organization whether it can trust its staff and volunteers to handle any private consumer information responsibly and securely, to adhere to all CAC program requirements and standards, and to act in the best interest of the consumers they assist.
- Must engage in services that position it to help those they serve with health coverage issues; and
- Must have experience providing social services to the community.⁴

If a prospective organization does not meet these criteria, it would not be eligible to participate in the CAC Program. However, participating in the CAC program is completely voluntary.

A few examples of types of eligible organizations are as follows:

- Hospitals
- Health systems
- Community health centers
- Health care providers (including Indian Health Services, Indian tribes and urban Indian organizations that provide health care)
- Ryan White HIV/ AIDS providers
- Behavioral health or mental health providers
- Agencies that have experience providing social services to the community, such as Supplemental Nutrition Assistance Program (SNAP) outreach, energy assistance, or tax assistance, and which are non-federal governmental entities or entities organized under section 501(c) of the Internal Revenue Code

This list is not exclusive. Types of organizations not on this list may still meet the criteria to be a CAC designated organization. Also, even if an organization is one of the types of organizations listed here, it must indicate on the CAC application that it meets all the eligibility criteria listed above in order for the CAC organization to receive CMS designation.

⁴ Guidance on Certified Application Counselor Program for the Federally-facilitated Marketplace including State Partnership Marketplaces (July 12, 2013), available at: <http://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/CAC-guidance-7-12-2013.pdf>.

Welcome Packet Email

After the CAC application has been approved by CMS, the organization will receive a Welcome Packet email. The email will include a number of documents that will assist the organization with next steps and completing the process to become a designated CAC organization. Once approved, organizations are permitted to have their staff members and volunteers take the CAC training. However, the organization is not formally designated and cannot begin certifying CACs until the organization has signed and submitted its agreement to CMS, and received its official confirmation of designation from CMS. Additionally, the organization should certify individuals only after individuals have completed all required steps for certification, as discussed in more detail below in the section titled, "Certification."

Training

The primary goal of the training CMS requires of CACs in the FFM and SPMs is to prepare individual CACs to assist consumers with learning about the basics of health coverage, identifying and comparing their options for coverage through the Marketplace and/or insurance affordability programs (such as Medicaid or CHIP), and helping them make informed decisions when choosing health coverage that best fits their budget and specific needs. The training courses are designed to be taken in a specific order, and each course should be completed before beginning the next one. CACs must complete all required courses and successfully pass all course exams with a score of at least 80%. The required training will take approximately 5-10 hours. The training is web-based and self-directed. CACs can take the training at their own pace and can access the training material at any time of the day. The training can be completed all at once, or taken a few hours a day until all of the required courses are completed. The training includes a series of realistic examples of situations that CACs may face while working with consumers.

CMS has updated the CAC training curriculum for FFM, including SPMs, to include FFM enhancements for the Marketplace Open Enrollment Period for the 2015 plan year in the individual market. In 2013-2014, CACs in the FFM and SPMs were required to complete a curriculum that was shorter than the curriculum for Navigators and non-Navigator assistance personnel, two types of assisters that have a wider range of consumer assistance duties than CACs, and require more training, to become certified or recertified. For 2014-2015, in addition to completing a required training curriculum to become initially certified or to become recertified, CACs will now 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 FFM and SPMs. These additional courses will be optional for CACs and provide a more in-depth review of the FFM and the duties required of different assister types.

After completing the required training, in order to proceed with the next steps for certification or recertification, individual staff members or volunteers must show proof of successful completion of the training to their designated organization, such as by showing the training completion

certificates that can be printed from the training web site. Each course will produce a certificate upon successful completion. The designated CAC organization will provide the official CAC certificate once the individual completes all steps required for certification. As the training certificate itself indicates, a CAC's training certificate is not the official document indicating that the CAC is certified. The official CAC certification is not issued by CMS or by the CMS training website; it is issued only by the CMS-designated organization with which the CAC is affiliated.

Note: If a CAC seeking recertification completed his or her initial CAC training using a CAC ID number that has since been updated or changed by his or her CAC organization, the CAC should take the 2015 CAC training using his or her new CAC ID number, not the old ID number. The CAC ID number is a thirteen-character number assigned specifically to your organization and will be reflected on the applicable training certificate that is generated upon successful completion of the training

Certification

CMS requires each CAC organization it designates to ensure that individual staff members and volunteers complete a number of other steps in addition to successfully completing the training, such as entering into an agreement with the organization and disclosing any conflicts of interest to the organization, before the designated organization may certify an individual and issue an official CAC certificate to that person.⁵ Once the individual CAC has met all applicable requirements, the organization will certify that individual as a CAC and provide an official certificate, which must be displayed when assisting consumers. The agreement between CMS and the designated organization requires that CAC certificates include the staff member or volunteer's name, organization, and unique CAC identification number.

Agreements

The agreement between CMS and the Certified Application Counselor Designated Organization (referred to in the agreement as the "CDO") in an FFM is included as part of the Welcome Packet documents. The agreement outlines CMS' and the CDO's responsibilities for the management and oversight of the organization's CACs. This 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). However, as noted in the agreement, CMS reserves the right to amend the agreement for purposes of reflecting changes in applicable law, regulations, or CMS implementation guidance, with such amendments taking effect upon thirty (30) days written notice to the designated organization.

⁵ 45 CFR § 155.225(b) and (d).

If an organization has received CMS approval via the Welcome Packet email discussed above and would like to become a designated CAC organization, it must carefully review all of the agreement's provisions and complete the agreement as follows:

- Fill in the blanks on page 1 of the document with the organization's name and the FFM or SPM states in which it intends to provide CAC services;
- Complete the information on page 15 of the document (the organization's name, CAC Designation ID number, address, and the name and title of the organization's official who is authorized to sign the form);
- Have an authorized official from the organization sign page 15 of the document; and
- Return a scanned copy of the signed agreement to CMS by emailing it to: CACQuestions@cms.hhs.gov. In the subject line of the email, please type the organization's name and "SIGNED CAC AGREEMENT ATTACHED".

Soon after CMS receives the signed agreement from the organization, CMS will send its countersignatures as well as a confirmation of designation email to formally designate the organization. In addition, the designated organization can be listed on [Find Local Help](#) as a resource for consumers who want help in accessing health coverage through the Marketplace. Designated organizations [will also be added to CMS' CAC listserv and will receive weekly Marketplace updates as well as notices of our weekly webinars for certified assisters.](#)

The designated organization must require each staff member or volunteer seeking certification as a CAC to enter into a written agreement with the organization to bind the individual CAC to CMS standards for the CAC program.⁶ The agreement must continue to be in force while the individual is functioning as a CAC. As part of the Welcome Packet documents, CMS has provided a model agreement the organization may adopt to comply with this standard.

Find Local Help

[Find Local Help](#) is a publicly-accessible online tool on HealthCare.gov that lists the contact information for certain types of assisters in FFMs and SPMs, including CACs. This tool is used by consumers (and other assisters) in states with an FFM or SPM to find application and enrollment assistance in their area. For this reason, it is important for each CAC organization to check this website and review the information it contains about their organization for accuracy and completeness. Organizations applying to become a designated CAC organization in an FFM should list only the addresses for physical locations where in-person consumer assistance services will be provided. The organization's publicly listed location(s) (list as many locations as needed) will be displayed only after the organization has been formally designated—that is, only after the organization has returned the signed agreement to CMS and has received a confirmation of designation email. If corrections or changes need to be made to a CAC organization's information on Find Local Help, the [Request corrections](#) link can be located on

⁶ 45 CFR § 155.225(d)(6).

the Find Local Help website. Requests to add an entirely new address should be sent the CAC mailbox at CACQuestions@cms.hhs.gov.

Please keep in mind that Find Local Help contains information only on FFM and SPM assisters. Organizations in SBM states should contact the SBM or go to the SBM's website for information about the CAC program in that state. For links to each SBM's website, go to <http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/state-marketplaces.html>.

Personally Identifiable Information

Personally Identifiable Information (PII) means information that can be used to distinguish or trace an individual's identity, such as their name, social security number, etc., alone, or when combined with other personal or identifying information that is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, etc. (OMB Memoranda M-07-16 (May 22, 2007)).

In order for each prospective CAC designated organization to provide CAC services in a manner that keeps a consumer's PII private and secure, the organization must comply with the FFM's privacy and security standards, which are included in the agreement between the organization and CMS pursuant to CMS regulations at 45 CFR §155.260(b). CMS requires that each organization review the standards set forth in the agreement, and then evaluate and document its current policies and procedures for protecting the privacy and security of data and any PII it might handle or have access to, so it can refine these policies and procedures as needed to comply with the requirements set forth in the organization's agreement with CMS.

Each designated organization must also ensure that each of its CACs agrees to comply with the FFM's privacy and security standards, through the agreement that the organization must enter into with each individual CAC. In addition, CACs will receive and must successfully complete CMS training on applicable privacy, security and fraud prevention standards.

Consumer Authorization

Prior to gaining access to any individual consumer's PII, each CAC must obtain that individual's authorization. CACs must also inform each individual they assist of the functions and responsibilities of CACs. To help CACs meet these requirements, CMS has developed a model consumer authorization form. The model authorization form provides that the consumer is giving consent for the disclosure of his or her PII for the purpose of allowing the CAC to perform the specific duties of a CAC in assisting the consumer. Therefore, unless the consumer directs otherwise, a consumer's authorization form is valid for the period of time for which the consumer requests assistance from the same CAC to provide CAC services. However, if the consumer seeks application assistance from a different CAC at the same organization who did not obtain

the consumer's authorization, or from a different CAC organization, even if it is for the same application or enrollment process, the new CAC or new CAC organization, as applicable, must obtain a separate authorization from the consumer before assisting that person.

Consumers may give their authorization themselves (such as by signing an authorization form), or choose to have a legal or Authorized Representative provide authorization on their behalf, provided this is consistent with the scope of the representative's authority to act on the consumer's behalf. CACs may obtain a consumer's authorization verbally, in writing, or both. Using the model form is not required to fulfill the authorization requirement. Regardless of the specific form of each authorization, a record of each authorization must be retained by the designated CAC organization or individual CAC either electronically or in hardcopy format for at least six years, unless a different and longer retention period has already been provided under other applicable Federal law.

State-specific Requirements

Generally, individual CACs and their designated organizations must meet any applicable state licensing, certification or other requirements, so long as such standards do not prevent the application of the provisions of title I of the Affordable Care Act (see 45 CFR 155.225(d)(8)). Examples of state requirements that might prevent the application of the provisions of title I of the Affordable Care Act include:

- 1.) Requirements that the CAC refer consumers to other entities not required to provide fair, accurate, and impartial information;
- 2.) Requirements that would prevent CACs from providing services to all persons to whom they are required to provide assistance, such as state laws that prevent CACs from assisting individuals who are currently insured or who have job-based health coverage;
- 3.) Requirements that would prevent CACs from providing advice regarding substantive benefits or comparative benefits of different health plans; or
- 4.) Imposing standards that would, as applied or as implemented in a state, prevent the application of federal requirements applicable to CACs, to a designated organization, or to the Marketplace's implementation of the CAC Program.

If an organization or individual has concerns about any particular state requirement's effects on its ability to participate in the CAC program or meet all applicable federal requirements, it should inform CMS by email through CACQuestions@cms.hhs.gov.

Tips

The following tips will provide further direction on successfully becoming a designated organization or CAC in a state with an FFM or SPM:

- Organizations can have their individual staff members and volunteers take the CAC training course as soon as the organization's CAC application is approved (although the organization should not certify or recertify individual CACs until the organization has been

formally designated as a CAC organization by CMS and all applicable certification requirements have been fulfilled by the individual).

- Individual CACs must be certified (or recertified) by their organization after they successfully complete and pass the CAC training curriculum annually and meet all other applicable requirements.
- Organizations must enter into an agreement with each individual they certify and issue an official CAC certificate to the individual before that individual may assist consumers.
- Prior to assisting consumers, be sure to see if there are additional state requirements that apply to your organization or individual CACs, and comply with any applicable requirements.
- Organizations and individual CACs should review the federal regulations and other guidance documents that apply to them, as this Fact Sheet is not meant to substitute for the review of the federal standards regarding how CACs must operate. For example, there are rules applicable to CACs governing non-discrimination, unsolicited contacts with consumers, receiving compensation from certain sources, and civil money penalties for violations of CAC program standards.⁷
- CACs must obtain a consumer's authorization before accessing the consumer's PII. Generally, this means that the consumer's authorization must be obtained before a CAC assists a consumer for the first time.
- CAC Organizations and individual CACs in states with an FFM or SPM should remain current on the latest Marketplace updates, tools, and other resources by attending CMS webinars and reviewing our weekly newsletters for assisters. Individuals are added to the newsletter's email distribution list when they register for the CAC training.

⁷ See 45 C.F.R. §§155.120(c), 155.206 and 155.225.

