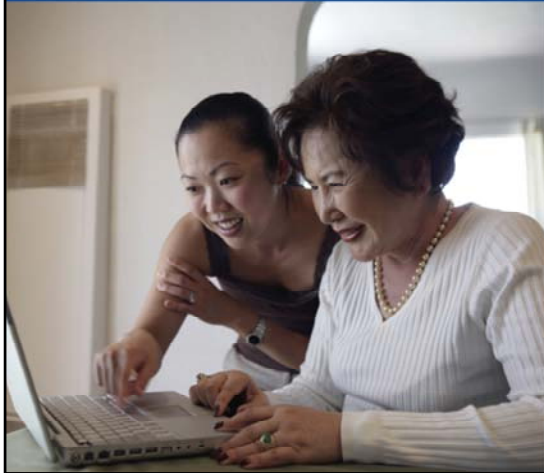




Assister Conflict of Interest Requirements



*For assisters in
Federally-facilitated
Marketplaces*

September 2016

A Note About This Presentation

- This presentation is current as of the date it was presented.
- It is intended to serve as an overview of the conflict of interest requirements that apply to Navigators, in-person assisters, and certified application counselors in FFMs under the Affordable Care Act and CMS regulations and guidance.
- We encourage readers to review the applicable statutes and regulations for a complete and current statement of their contents.
- Individual assisters such as government employees or licensed professionals should take appropriate steps to ensure compliance with any additional requirements that may apply to them.

This Presentation Will Cover:

This presentation will cover conflict of interest requirements for the following assisters in FFMs:

- Navigators
- In-person assisters (IPAs, also known as non-Navigator assistance personnel)
- Certified application counselors (CACs)

This presentation will cover conflict of interest requirements for the following assisters in FFMs, including FFMs where the state performs plan management functions and State Partnership Marketplaces:

- Navigators
- In-person assisters (IPAs, also known as non-Navigator assistance personnel)
- Certified application counselors (CACs)

“Assister” and “you,” as used in this presentation, refer to these 3 assister types.

Purpose of These Requirements

- Provide unbiased outreach and enrollment assistance
- Provide fair, accurate, and impartial information
- Avoid steering consumers toward a certain plan

These consumer assistance programs are designed to ensure that assisters and assister organizations do not have relationships that could interfere with their ability to provide unbiased outreach and enrollment assistance to consumers.

Specifically, certain relationships with health insurance issuers or stop loss insurance issuers could affect, or appear to affect, the impartiality of the help these assisters provide to consumers. Staying free from these conflicts of interest helps assisters satisfy their duty to provide fair, accurate, and impartial information and avoid steering a consumer toward a certain plan.

**Navigators and
In-person Assisters (IPAs)**

Who do these requirements apply to?

Unless otherwise specified below, these requirements apply both to:

- **Individual** Navigators and IPAs, and
- Navigator and IPA **organizations**

Unless otherwise specified below, the following duties, prohibitions, and disclosure requirements apply to individual Navigators and IPAs, and Navigator and IPA organizations, in an FFM.

Who do these requirements apply to?

This includes:

- **Both staff and volunteers of a Navigator or IPA organization who:**
 - Perform work related to Navigator or IPA program activities, or
 - Perform Navigator or IPA services.
- **A subgrantee or subcontractor of a Navigator or IPA organization that**
 - Performs work related to Navigator or IPA program activities or
 - Performs Navigator or IPA services, and

Anyone who performs

 - Work related to the subgrantee's or subcontractor's Navigator or IPA program activities or
 - Navigator or IPA services for a subgrantee or subcontractor of a Navigator grantee or IPA organization.
- **Anyone working for a Navigator or IPA organization in roles supervising Navigator or IPA program activities, even if they are not performing on-the-ground application and enrollment assistance.**
- **Anyone working for a Navigator or IPA organization who is engaged in Navigator or IPA outreach and education activities.**

Who do these requirements apply to?

- This does not include persons who are in no way involved with a Navigator or IPA organization's Navigator or IPA programs.
- Those individuals are not required to comply with Navigator or IPA conflict of interest requirements

These duties, prohibitions, and disclosure requirements do not apply to persons working for a Navigator or IPA organization, including the organization's subgrantee(s) or subcontractor(s) and persons working for the organization's subgrantee(s) or subcontractor(s), who are in no way involved with the organization's Navigator or IPA programs. Those individuals are not required to comply with Navigator or IPA conflict of interest requirements.

- For example, John has several marketing and outreach responsibilities at a Navigator grantee organization, one of which is to help oversee the marketing and outreach activities related to the Navigator program. However, he is not involved in day-to-day decision-making related to that program. Because John helps oversee the marketing and outreach activities related to the Navigator program, he is considered to be working on that program. Therefore, he must comply with all of the Navigator conflict of interest requirements.
- On the other hand, Sue serves on the advisory board of a Navigator grantee organization, but she recuses herself from board discussions of the organization's work on the Navigator grant and therefore has no oversight or decision-making authority over, or other connection with, the organization's Navigator program. Sue would not be required to comply with the Navigator conflict of interest requirements.

Fair, Accurate, and Impartial

Individuals or entities subject to the conflict of interest requirements for Navigators and IPA in FFM must **provide information and services to consumers in a fair, accurate, and impartial manner**. This includes:

- Providing information that helps consumers submit their eligibility applications;
- Clarifying the distinctions among health coverage options, including qualified health plans (QHPs); and
- Helping consumers make informed decisions during the health coverage selection process.

These assisters also have a duty to provide information to consumers about the full range of QHP options for which they are eligible, as well as about Medicaid, the Children's Health Insurance Program (CHIP), advance payments of the premium tax credit (APTC), or cost-sharing reductions (CSRs), if they are eligible for those programs

Additionally, if the state in which the assister is active establishes a Basic Health Program, the assister also must provide eligible consumers with information about the Basic Health Program.

Conflict of Interest Prohibitions

Individuals or entities that perform Navigator or IPA services, and individuals or entities that perform work related to Navigator or IPA program activities on behalf of a Navigator or IPA organization, **must not:**

1. Be a health insurance issuer or issuer of stop loss insurance.
2. Be a subsidiary of a health insurance issuer or issuer of stop loss insurance.
3. Be an association that includes members of, or lobbies on behalf of, the insurance industry.
4. Receive direct or indirect consideration, including any form of compensation (monetary or in-kind), from a health insurance issuer or issuer of stop loss insurance in connection with the enrollment of any consumer in a QHP or non-QHP.

Individuals or entities that perform Navigator or IPA services, and individuals or entities that perform work related to Navigator or IPA program activities on behalf of a Navigator or IPA organization, must not:

1. Be a health insurance issuer or issuer of stop loss insurance. For example, a company that sells QHPs is not eligible to receive a Navigator grant.
2. Be a subsidiary of a health insurance issuer or issuer of stop loss insurance. For example, a company that is owned or controlled (even partially) by a company selling QHPs is not eligible to be a Navigator or IPA organization.
3. Be an association that includes members of, or lobbies on behalf of, the insurance industry. For example, an association that represents insurance companies cannot operate as a Navigator or IPA organization. However, associations that a wide variety of businesses join in connection with civic and community matters unrelated to the nature of their business, such as bona fide Chambers of Commerce, can be Navigator or IPA organizations.
4. Receive direct or indirect consideration, including any form of compensation (monetary or in-kind), from a health insurance issuer or issuer of stop loss insurance in connection with the enrollment of any consumer in a QHP or non-QHP. For example, an agent or broker who is paid a commission for enrolling consumers into QHPs or non-QHPs cannot be a Navigator or IPA.

TIP: A health care provider is not prohibited from operating as a Navigator or IPA organization in an FFM just because it receives payment from a health insurance issuer for health care services it provides.

Note that we interpret the prohibition on receiving direct or indirect consideration from a health insurance or stop loss insurance issuer to apply to consideration received for enrolling individuals or employees in health insurance plans or stop loss insurance inside or outside the Marketplaces. A “non-QHP,” for purposes of this prohibition, would not include, for example, auto, life, or homeowners’ policies.

Conflict of Interest Attestation

- Navigator and IPA organizations in FFMs must attest in writing that the organization and anyone who performs work related to the organization's Navigator or IPA program activities or who performs Navigator or IPA services for the organization does not have any of the four prohibited relationships.
- Before making this attestation, the organization should carefully evaluate the relationships of anyone who performs work related to Navigator or IPA program activities or who performs Navigator or IPA services for the organization (including a subgrantee or subcontractor).
- CMS Navigator grant applicants must make this attestation during the grant application process.

Conflict of Interest Disclosures

- Navigators and IPAs **must disclose to the Marketplace and, in plain language, to each consumer they assist**, whether they, their Navigator or IPA organization, or anyone who performs work related to the organization's Navigator or IPA program activities or who performs Navigator or IPA services for the organization, has any of the following non-prohibited relationships . . .

Note that generally, the disclosure to the Marketplace should be made by the Navigator or IPA organization. Additionally, while any subgrantees and subcontractors of Navigator or IPA organizations that are subject to this requirement may make these disclosures directly to the consumers they or their staff and volunteers assist, CMS expects subgrantee or subcontractor disclosures to the Marketplace to be made by the parent Navigator or IPA organization.

Conflict of Interest Disclosures

Non-prohibited relationships that **must be disclosed**:

1. Any non-prohibited lines of insurance business that the person or organization intends to sell while performing Navigator or IPA services or performing work related to the organization's Navigator or IPA program activities.
2. Certain non-prohibited employment relationships that the person, or their spouse or domestic partner, has with a health insurance or stop loss insurance issuer or its subsidiary.
 - **Current employment relationships and former employment relationships within the last 5 years** between the person and a health insurance or stop loss insurance issuer, or its subsidiary.
 - Current employment relationships between the person's **spouse or domestic partner** and a health insurance issuer or stop loss insurance issuer, or its subsidiary.
3. Any non-prohibited financial, business, or contractual relationships that the person or organization has with a health insurance issuer or stop loss insurance issuer or its subsidiary.
 - This includes both **existing and anticipated** financial, business, or contractual relationships.

1. Any non-prohibited lines of insurance business that the person or organization intends to sell while performing Navigator or IPA services or performing work related to the organization's Navigator or IPA program activities. (This disclosure requirement does not apply, of course, if the person or organization is selling a QHP or non-QHP, because that is prohibited conduct.) For example, if a Navigator has a part-time job selling life insurance, this would not be prohibited, but this information must be disclosed to the Marketplace and to every consumer she assists as a Navigator.
2. Certain non-prohibited employment relationships that the person, or their spouse or domestic partner, has with a health insurance or stop loss insurance issuer or its subsidiary. This includes:
 - Current employment relationships and former employment relationships within the last 5 years between the person and a health insurance or stop loss insurance issuer, or its subsidiary.
 - Current employment relationships between the person's spouse or domestic partner and a health insurance issuer or stop loss insurance issuer, or its subsidiary.

For example, if a Navigator has a part-time job as an administrative assistant for a health insurance issuer, and is not receiving payments from the health insurance issuer in connection with enrolling consumers in the issuer's QHPs or non-QHPs, she would not be barred from serving as a Navigator under the prohibitions above. However, the fact that she is employed by a health insurance issuer must be disclosed to the Marketplace and to every consumer she assists as a Navigator.

3. Any non-prohibited financial, business, or contractual relationships that the person or

organization has with a health insurance issuer or stop loss insurance issuer or its subsidiary. This includes both existing and anticipated financial, business, or contractual relationships.

Conflict of Interest Plan

- All Navigator and IPA organizations must submit to the Marketplace a written plan to remain free of prohibited conflicts of interest while carrying out Navigator or IPA duties.
- Depending on the specific relationships that the organization and persons working for the organization have with health insurance and stop-loss insurance issuers, and on whether these relationships change over the course of the organization's involvement in the Navigator or IPA program, the Marketplace might require organizations to update this plan or to include specific topics and mitigation strategies in it.

For example, the Marketplace might require that the organization outline in its plan the specific measures it would take to ensure that persons with prohibited conflicts of interest are fully screened from, and do not perform any work related to, Navigator or IPA program activities for the organization.

**Certified Application
Counselors (CACs)**

Who do these requirements apply to?

Unless otherwise specified below, these requirements apply both to:

- Individual CACs, and
- CAC designated organizations

16

Unless otherwise specified below, the following duties, prohibitions, and disclosure requirements apply to CACs and CAC designated organizations in an FFM.

Who do these requirements apply to?

This includes:

- All **staff and volunteers** certified by a CAC designated organization to perform CAC services
 - Including certified staff and volunteers of a CAC designated organization engaged in **outreach and education** activities.
- Anyone who **performs work related to CAC program activities** on a CAC designated organization's behalf, even if they are not performing on-the-ground application and enrollment assistance
 - Including anyone **supervising** a CAC designated organization's CAC program activities on the organization's behalf.

17

This includes:

- All staff and volunteers certified by a CAC designated organization to perform CAC services, including certified staff and volunteers of a CAC designated organization engaged in outreach and education activities. (Reminder: CACs are permitted but not required to perform outreach and education activities.)
- Anyone who performs work related to CAC program activities on a CAC designated organization's behalf, even if they are not performing on-the-ground application and enrollment assistance, including anyone supervising a CAC designated organization's CAC program activities on the organization's behalf.

Who do these requirements apply to?

- These requirements do not apply to persons working for a CAC designated organization who are in no way involved with the CAC program.
- Those individuals are not required to comply with CAC conflict of interest requirements.

18

These duties, prohibitions, and disclosure requirements do not apply to persons working for a CAC designated organization who are in no way involved with the CAC program. Those individuals are not required to comply with CAC conflict of interest requirements. See the discussion above related to Navigators and IPAs for more information and examples about what it means to be in no way involved with an assister program.

Fair, Accurate, and Impartial

Individuals or entities subject to the conflict of interest requirements for CACs in FFMs must provide **fair, accurate, and impartial information** to consumers.

This includes:

- Providing information that assists consumers with submitting the eligibility application;
- Clarifying the distinctions among health coverage options, including QHPs; and
- Helping consumers make informed decisions during the health coverage selection process.

CACs also have a duty to provide information to consumers about the full range of QHP options for which they are eligible, as well as about Medicaid, the Children's Health Insurance Program (CHIP), advance payments of the premium tax credit (APTC), or cost-sharing reductions (CSRs), if they are eligible for those programs.

In addition, CACs must act in the best interests of the applicants they are helping.

19

Additionally, if the state in which the CAC is active establishes a Basic Health Program, the CAC also must provide eligible consumers with information about the Basic Health Program.

Conflict of Interest Prohibitions

CACs and CAC designated organizations, including anyone who performs CAC services or who performs work related to CAC program activities on a CAC designated organization's behalf, **must not:**

- Receive direct or indirect consideration, including any form of compensation (monetary or in-kind), from a health insurance issuer or issuer of stop loss insurance in connection with the enrollment of any consumer in a QHP or non-QHP.

20

- For example, an agent or broker who makes a commission for enrolling consumers into QHPs or non-QHPs cannot be a CAC. Similarly, an agent or broker business organization cannot be a CAC organization if it receives any form of direct or indirect payment in connection with enrolling consumers in QHPs or non-QHPs.
- If a CAC has a part-time job as an administrative assistant for a health insurance issuer, and is not receiving payments from the health insurance issuer in connection with enrolling consumers in the issuer's QHPs or non-QHPs, she would not be barred from serving as a CAC under the prohibitions above, as long as she complied with all of the CAC duties and prohibitions, including providing fair, accurate, and impartial information and disclosing potential conflicts of interest.
- A health insurance issuer or stop loss insurance issuer is prohibited from serving as a CAC designated organization, since these entities receive compensation in connection with enrolling consumers in a QHP or non-QHP.

TIP: A health care provider is not prohibited from operating as a CAC or as a CAC organization in an FFM just because it receives payment from a health insurance issuer for health care services it provides.

Note that we interpret the prohibition on receiving direct or indirect consideration from a health insurance or stop loss insurance issuer to apply to consideration received for enrolling individuals or employees in health insurance plans or stop loss insurance inside or outside the Marketplaces. A "non-QHP," for purposes of this prohibition, would not include, for example, auto, life, or homeowners' policies.

Conflict of Interest Disclosures

Persons certified as CACs **must**:

- Disclose to the CAC organization, and to every consumer the CAC assists, any non-prohibited relationships the CAC has with QHPs, Medicaid, the Children's Health Insurance Program (CHIP), or other potential non-prohibited conflicts of interest

21

- For example, if a CAC organization is a health care provider that contracts with a Medicaid managed care organization to receive payment for health care services it provides, this relationship must be disclosed to every consumer assisted.
- As another example, a CAC who works part-time as an administrative assistant for a health insurance issuer (and who is not prohibited from serving as a CAC because she is not receiving payments from the health insurance issuer in connection with enrolling consumers in the issuer's QHPs or non-QHPs), must disclose this relationship to her CAC organization and to every consumer she assists as a CAC.

Additionally, if the state in which the CAC is active establishes a Basic Health Program, any non-prohibited relationships the CAC has with the Basic Health Program also must be disclosed to the CAC organization and to every consumer the CAC assists.

**In Depth:
Prohibition on Compensation and
Other Consideration**

Prohibition on Compensation

- All individuals in FFM who perform assister services or who perform work related to an assister program's activities on behalf of an assister organization (including supervising those activities), as well as their respective assister organizations, **must not receive any consideration, including any form of compensation (monetary or in-kind), directly or indirectly from any health insurance issuer or issuer of stop loss insurance in connection with the enrollment of any consumers in a QHP or non-QHP.**
- We will refer to this requirement as **the prohibition on compensation.**
- This section of the presentation provides guidance on how CMS interprets this requirement with respect to assisters in FFM.

What does the prohibition on compensation include?

- Prohibited compensation means:
 - Any financial compensation or other consideration from a health insurance issuer or stop loss insurance issuer that is connected with the enrollment of any consumers in a QHP or non-QHP, including but not limited to:
 - Monetary or in-kind compensation of any type,
 - Grants,
 - Gifts,
 - Free travel, or
 - Any other type of influence a health insurance or stop-loss insurance issuer could use which may create incentives for assisters to steer individuals to particular QHPs or non-QHPs.

Prohibited compensation means any financial compensation or other consideration from a health insurance issuer or stop loss insurance issuer that is connected with the enrollment of any consumers in a QHP or non-QHP, including monetary or in-kind compensation of any type, including grants, as well as any other type of influence a health insurance or stop-loss insurance issuer could use, including but not limited to things like gifts and free travel, which may create incentives for assisters to steer individuals to particular QHPs or non-QHPs.

What does the prohibition on compensation not include?

- The prohibition on compensation does not include compensation received from a health insurance or stop loss insurance issuer that is **not connected with the enrollment of any consumer(s) in a QHP or non-QHP.**

What does the prohibition on compensation not include?

- For example:
 - Health care providers are not prohibited from operating as assisters in an FFM solely because they receive compensation from a health insurance issuer for health care services they provide.
 - An assister organization may host an annual fundraising event that is sponsored by a health insurance issuer or stop loss insurance issuer, as long as the funds raised are not allocated towards the assister organization's application and enrollment assistance activities, and application and enrollment activities or issuer marketing activities are not performed during the fundraising event. As long as these criteria are met, CMS would not consider the issuer's sponsorship of the fundraising event to be compensation connected with enrollment in a QHP or non-QHP.

**In Depth: Staff Members of Health
Insurance Issuers or Stop Loss
Insurance Issuers**

Staff Members of Health Insurance Issuers or Stop Loss Insurance Issuers

- While health insurance and stop loss insurance issuers cannot serve as assister organizations in FFM, individuals who are staff members of health insurance issuers or stop loss insurance issuers may be interested in serving as assisters.
- If they otherwise meet eligibility requirements, these individuals may become Navigators, CACs, or IPAs in an FFM (and thereby perform assister services), or perform work related to those assister programs' activities (including supervising those activities) for a Navigator, IPA, or CAC organization in an FFM, **provided that any direct or indirect compensation they might receive from the issuer is not in connection with the enrollment of any consumers in a QHP or non-QHP.**

Staff Members of Health Insurance Issuers or Stop Loss Insurance Issuers

29

- Examples of activities that would **prohibit** issuer staff members from becoming assisters and from performing work related to an assister program's activities on behalf of an assister organization (including supervising those activities):
 - Actively licensed "captive" agents employed by a health insurance or stop loss insurance issuer who receive any commissions or salary in connection with the enrollment of any consumers in a QHP or non-QHP.
 - An individual who is a marketing or outreach strategy consultant under contract with a health insurance or stop loss insurance issuer and who receives compensation from the issuer for marketing and outreach activities.
 - An individual who is employed by a health insurance or stop loss insurance issuer as a customer service representative or member services representative and who receives compensation from the issuer for customer or member services activities.

Activities that would prohibit issuer staff members from becoming assisters and from performing work related to an assister program's activities on behalf of an assister organization (including supervising those activities):

- **Actively licensed "captive" agents employed by a health insurance or stop loss insurance issuer.** These individuals would be ineligible to become assisters if they receive any commissions or salary in connection with the enrollment of any consumers in a QHP or non-QHP.
- **An individual who is a marketing or outreach strategy consultant under contract with a health insurance or stop loss insurance issuer.** Because there is a strong connection between marketing an issuer's QHPs or non-QHPs and enrolling consumers into those products, this individual would not be eligible to become an assister if he or she receives compensation from the issuer for marketing and outreach activities.
- **An individual who is employed by a health insurance or stop loss insurance issuer as a customer service representative or member services representative.** Because this individual receives a salary or wages from the issuer in part for answering questions from consumers about their enrollment or potential enrollment in QHPs or non-QHPs, this individual would be ineligible to become an assister if he or she receives compensation from the issuer for customer or member services activities.

Staff Members of Health Insurance Issuers or Stop Loss Insurance Issuers

30

- Examples of activities that would **not prohibit** issuer staff members from becoming assisters and from performing work related to an assister program's activities on behalf of an assister organization (including supervising those activities):
 - Issuer staff members whose activities and compensation are not connected with the enrollment of consumers into an issuer's QHPs or non-QHPs, which might include administrative assistants, facilities managers, or nurses or social workers who perform case management or care coordination work.

Activities that would not prohibit issuer staff members from becoming assisters and from performing work related to an assister program's activities on behalf of an assister organization (including supervising those activities):

- Issuer staff members whose activities and compensation are not connected with the enrollment of consumers into an issuer's QHPs or non-QHPs, which might include administrative assistants, facilities managers, or nurses or social workers who perform case management or care coordination work. As long as these individuals' scope of work does not include activities that are connected with enrollment and their compensation is not connected with enrollment in QHPs or non-QHPs, they would be considered eligible to serve as assisters, provided they meet all other eligibility requirements. However, if these individuals work as Navigators or IPAs, their relationship with the issuer must be disclosed to the Marketplace and to all consumers assisted. If these individuals are certified as CACs, they must disclose their relationship with the issuer to their CAC organization and to all consumers to whom they provide assistance.

Test your knowledge!

Q: I work for a health insurance issuer. Can I be an assister?

Q: I work for a health insurance issuer. Can I be an assister?

It depends. As long as the scope of your work with the issuer **does not include activities that are connected with enrollment and your compensation is not connected with enrollment in QHPs or non-QHPs**, you would be considered eligible to serve as an assister, provided you meet all other eligibility requirements.

- If any Navigator or IPA has a current, non-prohibited employment relationship with an issuer, this relationship must be disclosed to the Marketplace and to every consumer assisted.
- A CAC must disclose this type of relationship to the CAC organization and to every consumer assisted.

It depends. As long as the scope of your work with the issuer does not include activities that are connected with enrollment and your compensation is not connected with enrollment in QHPs or non-QHPs, you would be considered eligible to serve as an assister, provided you meet all other eligibility requirements.

- For example, issuer staff such as administrative assistants, facilities managers, and nurses or social workers who perform case management or care coordination work are likely not receiving direct or indirect compensation from the issuer in connection with the enrollment of consumers in a QHP or non-QHP.
- On the other hand, issuer staff would not be eligible to

become assisters if they receive consideration (e.g. salaries) from the issuer for marketing, outreach, customer service, or member service activities, since these activities are connected with enrolling consumers into QHPs or non-QHPs.

If any Navigator or IPA has a current, non-prohibited employment relationship with an issuer, this relationship must be disclosed to the Marketplace and to every consumer assisted. A CAC must disclose this type of relationship to the CAC organization and to every consumer assisted.

Q: My spouse works for a health insurance issuer. Can I still be an assister?

Q: My spouse works for a health insurance issuer. Can I still be an assister?

Yes, as long as this relationship is disclosed either to the Marketplace or your CAC organization (depending on whether you are a Navigator, IPA, or CAC) and to each consumer you assist.

Yes, as long as this relationship is disclosed either to the Marketplace or your CAC organization (depending on whether you are a Navigator, IPA, or CAC) and to each consumer you assist.

- Current employment relationships between a Navigator or IPA's spouse or domestic partner and a health insurance issuer or stop loss insurance issuer, or its subsidiary, are not prohibited.
- However, if you are a Navigator or IPA, this relationship must be disclosed to the Marketplace and to each consumer assisted. CACs, similarly, are required to disclose potential non-prohibited conflicts of interest such as this one to their CAC organization, and to every consumer the CAC assists.

Q: I'm an agent or broker actively engaged in selling health insurance or stop loss insurance. Can I be an assister?

Q: I'm an agent or broker actively engaged in selling health insurance or stop loss insurance. Can I be an assister?

No. Agents or brokers who receive commissions or other consideration from a health insurance or stop loss insurance issuer as a result of their active involvement in selling health insurance or stop loss insurance receive consideration in connection with the enrollment of consumers in a QHP or non-QHP, and therefore cannot serve as Navigators, CACs, or IPAs.

Q: I sell auto insurance, but do not sell health insurance or stop loss insurance. Can I be an assister?

Q: I sell auto insurance, but do not sell health insurance or stop loss insurance. Can I be an assister?

Yes, as long as this activity is disclosed either to the Marketplace or your CAC organization (depending on whether you are a Navigator, IPA, or CAC) and to each consumer you assist.

Yes, as long as this activity is disclosed either to the Marketplace or your CAC organization (depending on whether you are a Navigator, IPA, or CAC) and to each consumer you assist.

Selling lines of insurance that are not health or stop loss insurance (e.g. auto, life, or homeowners insurance) is not prohibited. However, Navigators and IPAs must disclose this relationship to the Marketplace (generally, this is done by their organization) and to each consumer they assist. CACs, similarly, are required to disclose potential non-prohibited conflicts of interest such as this one to their CAC organization, and to every consumer the CAC assists.

Q: Can an assister organization receive a grant or other funds from a health insurance issuer for activities that are not connected with enrollment in a QHP or non-QHP?

Q: Can an assister organization receive a grant or other funds from a health insurance issuer for activities that are not connected with enrollment in a QHP or non-QHP?

Yes. An entity that receives a grant or other funding from a health insurance issuer would not be prohibited from serving as an assister organization unless the grant or funding is related to the enrollment of individuals or employees in a QHP or non-QHP.

- However, a Navigator or IPA entity would need to disclose the receipt of the grant or funding from the issuer to the Marketplace and to each consumer assisted, because it would be an existing or anticipated financial, business, or contractual relationship with an issuer.
- Similarly, CAC organizations, either directly or through their CACs, must disclose this potential non-prohibited conflict of interest to each consumer assisted.

Q: Can I invite health insurance issuers to share plan information with consumers or with my organization's assisters?

Q: Can I invite health insurance issuers to share plan information with consumers or with my organization's assisters?

- Yes. Assister organizations may invite issuers in their area to share information or attend education sessions regarding plan benefits and details.
- **As long as all health insurance issuers in the Marketplace service area are invited** and all applicable assister conflict-of interest provisions are followed, including the rule prohibiting assisters from receiving any consideration directly or indirectly from any health insurance issuer or stop-loss insurance issuer in connection with the enrollment of any individuals or employees in a QHP or non-QHP, such an event would not represent a conflict of interest or violate an assister's duty to provide information and services in a fair, accurate, and impartial manner.

Resources

- Tip Sheet: Federally-facilitated Marketplace Assister Conflict of Interest Requirements
 - <https://marketplace.cms.gov/technical-assistance-resources/conflict-of-interest-requirements.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
 - <https://marketplace.cms.gov/technical-assistance-resources/agents-and-brokers-guidance-for-assisters.PDF>