

Proposed Recommendation

To: Brokers, Agents and Navigators Advisory Committee
From: Connecticut Health Insurance Exchange Staff
Re: Role of Navigators, Brokers and Agents
Date: July 10, 2012

Introduction

As Connecticut continues to implement a state-based Health Insurance Exchange, establishing a vibrant and effective consumer assistance program will be a critical component to ensure both its short and long term success. Attracting, educating and enrolling individuals and small employers (and their employees) across the state's diverse and varied communities will be essential in order to positively impact the health and wellness of the state's residents, garner broad participation from residents and from insurers, and ensure the success of the Exchange.

Brokers, agents, and the newly created role of Navigators, will play key roles in executing the outreach and assistance efforts required for the Exchange. As discussed in prior Brokers, Agents and Navigators Advisory Committee meetings, there are numerous areas of consideration which need to be addressed in order to construct an optimal program. Among those identified as keenly important are:

- Roles of Navigators and Brokers
- Grants/Funding
- Training/Certification
- Recruitment
- Materials & Outreach
- Monitoring & Reporting
- SHOP-specific Considerations

This document recommends some guidelines and principals for the roles and responsibilities that Navigators and brokers will have within the Exchange environment. Developing clear parameters in this category will impact several important decisions which will be made in remaining areas.

Populations served by Navigators

When beginning the process of defining roles and responsibilities for CT's Navigator program, it's important to understand the types of individuals this group will be tasked with serving. With the Exchange serving a wide range of Connecticut residents, the definition of this audience is quite broad and includes:

- Individuals buying through the Exchange (both subsidized and unsubsidized)
- Individuals qualifying and enrolling for Medicaid or other state medical assistance programs
- Small group employers (with 50 or fewer employees initially; expanding to employers with up to 100 employees by 2016)

The proposed Navigator program will need to ensure that individuals that provide assistance are properly equipped to address the needs of these diverse populations.

Baseline qualifications to be able to enter the Navigator program

The Affordable Care Act (ACA) and its related regulations (see 45 CFR § 155.210-220) provide direct guidance regarding the baseline qualifications for entry into the Exchange's Navigator program. These requirements include:

- a. The demonstrated ability to reach targeted populations (will need to offer distinct proof for both individuals and/or small group depending on desired participation level);
- b. Evidence of having existing relationships (or ability to establish relationships) with these groups;
- c. The capability to carrying out minimum duties (as outlined in "Duties" section below);
- d. Meeting licensure and conflict of interest standards to be established by the Secretary via regulation (to be defined);
- e. Meet any licensing certification, or other standards prescribed by the state or Exchange (to be defined), and;
- f. Not have any conflict of interest during the term as Navigator

Duties required of Navigator:

The ACA directs that the Exchange must establish a program under which Navigators perform the following duties:

a. Education

1. Raise the public's awareness of the expanded health insurance options available through the Exchange (and Medicaid);
2. Distribute fair and impartial information concerning enrollment in QHPs, and the availability of premium tax credits and cost-sharing reductions in accordance with federal tax laws;
3. Provide information in a manner that is culturally and linguistically appropriate to the needs of the population being served by the Exchange (and Medicaid);

b. Enrollment

4. Facilitate enrollment in Qualified Health Plans (or Medicaid); and

c. Follow-Up

5. Provide referrals to any appropriate state agency or agencies for any enrollee with a grievance, complaint, or question regarding their health plan, coverage, or a determination under such plan or coverage.

As discussed in prior Advisory Committee meetings, the background, knowledge, skill set and training to perform effective "education" functions is different than the skills and training necessary to facilitate enrollment in a QHP or Medicaid. As such, our recommendation is to move forward with a bifurcated Navigator program which acknowledges this difference. Other states, most notably Nevada, are also identifying this distinction, and are crafting Navigator programs which create separate and distinct roles.

This type of program requires us to establish a firm line of demarcation between "education" and "enrollment" activities. This distinction is necessary to ensure proper training can be established, as well as appropriate levels of outreach support can be deployed. Additionally, this two tiered system will require that flawless "hand-off's" be made (when needed) as individuals may potentially require assistance from different Navigators.

Additionally, with the insurance needs, considerations, and enrollment complexities of small business being significantly different than that of individuals, we propose creating a separate, yet similar, Navigator role to serve the small business community. While organizations could participate as both individual and small business Navigators (which would require separate training and certification), we believe that offering two distinct programs will help to focus the most appropriate groups and entities in areas of the market which they can best serve, rather than relying on one Navigator population to serve two very different populations. As examples, community focused non-profits and faith based entities could provide excellent avenues to reach out to individuals in need of insurance, while Chambers of Commerce or industry trade associations may provide better access and connection to small employers.

Lastly, with brokers and agents currently providing valuable education and enrollment services to state residents, developing a mechanism to ensure coordination between brokers/agents and Navigators will be important. In supporting the "no wrong door" policy when engaging individuals, both Navigators and brokers/agents need to be equipped to ensure consumers have

access to the right resources, at the right time, to help meet their unique needs. A system which facilitates a free exchange of information, and provides the right incentives for active participation by brokers/agents will be critical.

Proposed Individual Navigator Role

Based on the guidance provided regarding the qualifications and duties of Navigators, as well as the populations they will serve, we propose the Individual Navigator role functions as follows:

- a. Entities contracted as Individual Navigators would provide services in one (1) or two (2) tiered categories, depending on organizational qualifications and training/certification:
 1. **Tier 1 - Educator:** Navigators desiring to function in this capacity would be responsible to perform all required duties specified under “education” in the “Duties required of Navigators” section above.
 - i. Navigators in this capacity will not be able to “enroll individuals” in coverage, as defined below in section (2)(i).
 - ii. Instead, should this level of service be required, Tier 1 Navigators will be required to guide/direct/facilitate a connection with Navigators in the second tier, or brokers/agents where appropriate.
 2. **Tier 2- Enroller:** Navigators desiring to function in this capacity would be responsible to perform all required duties specified in the “education” section of the “Duties required of Navigators” above, as well as those indicated in the “enrollment” section.
 - i. As it relates to Tier 2 Navigators, “Enrolling Individuals” will be defined as performing one or all of the following activities:
 - A. Directly collecting individual information required to determine eligibility for QHP subsidies or Medicaid, and/or;
 - B. Entering, assisting the entry, or overseeing the entry of information into enrollment tools and resources, including final submission of information.
 - a. This definition of “enrolling” is intended to focus activity on the physical mechanics of enrolling individuals, including properly utilizing the appropriate tools, resources and data to perform this function.
 - ii. With that said, the role of Tier 2 Navigators will not focus on providing advice or guidance to individuals. When enrolling individuals, Tier 2 Navigators would be prohibited from performing the following:
 - A. Providing guidance or advice regarding which plan options would be best suited to an individual’s particular need, and/or;
 - B. Providing guidance regarding how the plans available for selection effect or impact other insurance or financial products or services an individual may have or may be considering purchasing.

- iii. Tier 2 Navigators will be required to provide application assistance to consumers for all coverage options in the Exchange, including Medicaid and other state programs, as well as QHP's purchased with or without subsidies.
- 3. All Navigator groups will maintain responsibilities to perform duties in the "follow-up," including:
 - i. Providing referrals to any appropriate state agency or agencies, for any enrollee with a grievance or complaint, and;
 - ii. Providing referrals for any question regarding an enrollee's health plan, coverage, or a determination under such plan or coverage.
- 4. Navigator organizations can have individuals performing both Tier 1 and Tier 2 functions within their organization.
- b. Brokers will not be able to function as Navigators, unless they are willing to forgo compensation (i.e. commissions) when enrolling individuals (per ACA regulations).
 - 1. Should brokers wish to enroll individuals via the Exchange, they will be required to take specific Exchange training in order to be certified.
 - 2. Brokers will not be required to provide Medicaid eligibility or enrollment assistance, but will be required to refer such individuals to qualified Tier 1 or Tier 2 Navigators.
- c. This system would require the development of three sets of training modules:
 - 1. Navigator — Tier 1 Educator training
 - 2. Navigator — Tier 2 Enroller training
 - 3. Broker/Agent — Individual Exchange market training

Potential considerations with this model:

- The hand-off in a two-tier Navigator environment could be challenging to orchestrate, especially across organizations.
- A two-tiered system would offer complexities with respect to managing supply and demand for each function (e.g. too many educators, resulting in a bottle neck at the enrollment phase, or two few educators, resulting in an overabundance of enrollers).
- With the potential for hand-offs between tiered Navigators, as well as with brokers, an organized referral system may need to be established to aid and manage this critical process, including:
 - Criteria for determining referrals within this system needs to be developed to ensure it delivers the best consumer outcome, while also being fair and impartial to referral providers and referral receivers.
 - Navigators should have access to a database of certified brokers, should individuals they interact with request assistance from these entities.
 - Likewise, brokers will need a list of certified Navigators should individuals they interact with need Medicaid assistance, or other community level support.

- Funds could be made available to promote an active referral market between Navigators and Broker. For example:
 - QHP broker referral fee: Navigators successfully referring individuals to licensed brokers (if needed) would receive a referral award.
 - Medicaid broker referral fee: Brokers who successfully refer individuals to a licensed Navigator will receive a referral award.

Proposed Small Business SHOP Navigator Role

With significant differences between the individual and small group market segments, an additional category of SHOP Navigator should be established to facilitate outreach in this important area.

- a. SHOP-Navigator: Given the more technical nature of this environment, only one tier of Navigator will exist, being able to perform education and enrollment activities (as defined prior), as well as any required follow up outreach.
 - 1. Individual Tier-1 or Tier-2 Navigators can also function as SHOP-Navigators (and vice-versa). In both cases, training in each area is required, as there would not be a combined training module.
- b. Brokers will not be able to function as SHOP-Navigators, unless they meet the criteria set forth in the ACA that no Navigator may receive direct compensation from a carrier for enrolling individuals in a QHP inside or outside the Exchange.
- c. Should brokers wish to enroll small groups via the Exchange, they will be required to take Broker-specific training regarding the SHOP Exchange in order to be certified.
- d. This system would require the development of two sets of training modules:
 - 1. SHOP-Navigator Education and Enrollment training
 - 2. SHOP Broker/Agent Exchange market training
- e. As there may be similar hand-offs in the small business marketplace between Brokers and Navigators, it's recommended that a referral system be established in this market segment as well.
 - 1. Funds could be made available to promote an active referral market between Navigators and Broker.

Additional Thoughts On Funding

While the intent of this document is to detail the proposed guidelines for the Navigator role, based on the information presented thus far, we would also like to put forward some preliminary thoughts in the area of funding and compensation. With the proposed Navigator program having distinct tiers of responsibilities, it may be appropriate to provide funding in a tiered manner as well. The goal of this structure would be to align Navigator performance with grant funding in order to maximize both the outreach, education and enrollment efforts across the state.

- Tier 1 Funding: Entities applying for Tier 1 Individual Navigator funding will be supported with an upfront grant award (issued prior to the onset of agreed upon activities) to support outreach and education efforts.
- Tier 2 Funding: Entities applying for Tier 2 Individual Navigator funding will receive Enrollment Reimbursement Grants issued quarterly and based on per-enrollee volume driven by the entity. The amount of any per-enrollee grant award would need to be researched and discussed. By way of example, work on the Navigator program in California is currently indicating rates anywhere between \$29 and \$87 per enrollee.
 - There will be no grant award activity tied to renewal of individuals in plans
- Any entity meeting the requirements for participation in the Navigator program will be eligible for either Tier 1 only, Tier 2 only or both Tier 1 and Tier 2 funding.
- Navigator grants will be issued to entities, not to individuals, although individuals can still be certified and conduct navigator activities in an unfunded capacity
- Organizations and entities with a minimum of at least two (2) full time employees will be eligible for funding.
 - The Exchange will provide no direct payments to an individual. Any compensation must be paid to the affiliated organization.
- Brokers will continue to receive commissions directly from carriers for business they enroll through the Exchange.
 - The capture of broker ID during enrollment process will help to facilitate payment by carriers.