
RECOMMENDATION

To: Brokers, Agents and Navigators Advisory Committee
From: Connecticut Health Insurance Exchange Staff
Re: Role & Responsibilities of Navigators, Brokers and Agents
Date: September 5, 2012

The Navigator Program will be an important part of the Exchange's comprehensive consumer outreach strategy, serving to expand the Exchange's physical footprint in Connecticut's diverse communities as well as open additional distribution channels for products sold on the Exchange. To be successful, the Navigator Program will need to establish clear guidelines and principals for the roles and responsibilities that the Navigators and brokers/agents will have within the Exchange environment.

The following document provides a comprehensive and updated set of rules and guidelines regarding Navigator roles and responsibilities. This reflects comments and feedback provided by members of the Brokers, Agents and Navigators Advisory Committee during both the June and July monthly meetings. Highlights of this updated recommendation include:

- A two-tiered Navigator program focused on "education" outreach and "enrollment" facilitation in QHP's or Medicaid.
- The elimination of a SHOP specific Navigator role, resulting in one set of Navigators serving both individuals and families, as well as small business owners in the fewer than 50 employee segment of the market.
- In acknowledging the types of conversations that will likely take place between Navigators and engaged individuals or businesses, language surrounding the type of advice and recommendations Navigators can provide has been relaxed.
- The inclusion of language indicating that Navigators should be available to assist with renewal activity, or updating eligibility information should family/job status change
- The compensation structure for Navigators has been simplified in an effort to ensure a balance between providing upfront funding to facilitate the launch of Navigator efforts, with withheld funding set aside which will be released when certain performance criteria are met.

As stated prior, the Navigator program, and additional program recommendations, will be divided into 7 distinct sections including: 1) Roles and Responsibilities, 2) Compensation, 3) Funding, 4) Training and Certification, 5) Recruitment, 6) Monitoring and 7) Materials and Outreach.

This document provides a recommendation for sections one and section two. This is being submitted to the Brokers, Agents and Navigators Advisory Committee for a vote of approval, either in its entirety, or contingent upon final alterations

Section 1. Roles, Responsibilities and Compensation for the Navigator Program

- (a) **Duties of Navigator Programs**. The State’s Navigator program must provide the following general duties—
- (1) *Education*. The education responsibilities of the State’s Navigator program include—
 - (A) Raising the public’s awareness of the expanded health insurance options available through the Exchange and Medicaid;
 - (B) Distributing 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;
 - (C) Providing information in a manner that is culturally and linguistically appropriate to the needs of the population being served by the Exchange and Medicaid;
 - (D) Providing information to small employers on enrollment in the SHOP and any tax provisions, including credits and penalties, potentially affecting small employer;
 - (2) *Enrollment*. The enrollment responsibilities of the State’s Navigator program include—
 - (A) Facilitating enrollment for individuals and families into Qualified Health Plans through the Exchange;
 - (B) Facilitating enrollment of individuals and families into Medicaid;
 - (C) Advising individuals and families enrolled through the Exchange on the impact of changes in household income on the amount of any affordability assistance program.
 - (D) Facilitating referrals to Brokers qualified under paragraph (d) of this section for individuals and families enrolling in Qualified Health Plans through the Exchange and requesting additional assistance; and,
 - (E) Facilitating referrals to Brokers qualified under paragraph (d) of this section for small employers requesting additional assistance in the SHOP.
 - (3) *Follow-Up*. Subsequent to enrollment of an individual or family into the Exchange or Medicaid, the responsibilities of the State’s Navigator Program include—
 - (A) Providing referrals to the appropriate State agency or agencies for any enrollee with a question regarding their determination of eligibility for Medicaid or their enrollment through the Exchange, including an appeal for a redetermination of eligibility;
 - (B) Providing referrals to the appropriate state agency or agencies, or carrier, for any enrollee with a grievance, complaint, or question regarding their qualified health plan or Medicaid coverage;
 - (C) Assisting individuals and families insured through the Exchange with the renewal of their coverage, or updating eligibility information, if contacted; and,
- (b) **Baseline Qualifications for Navigator**. The requirements for participation by either an organization or individual in the Navigator program, as outlined in 45 CFR § 155.210, include—
- (1) The demonstrated ability to reach at least one of the targeted populations, including:
 - (A) Both subsidized and unsubsidized individuals purchasing insurance through the Exchange;

- (B) Individuals qualifying and enrolling for Medicaid or other state medical assistance programs; and/or
 - (C) Small group employers (with 50 or fewer employers initially, expanding to employers with up to 100 employers by no later than 2016);
 - (2) Evidence of having existing relationships (or ability to establish relationships) with at least one of the groups described above in paragraphs (b)(1)(A)-(C) of this section;
 - (3) The capability to carry out some or all of the minimum duties as outlined in paragraph (a) below;
 - (4) Meet any licensing, certification, or other standards prescribed by the State or Exchange (to be defined);
 - (5) Not having any conflict of interest as defined in paragraph (e) below during the term as Navigator; and,
 - (6) Complying with privacy and security standards adopted by the Exchange and in accordance with requirements as outlined in 45 CFR § 155.260.
- (c) Navigator Prohibitions.** A Navigator cannot—
- (1) Be a health insurance issuer;
 - (2) Be a subsidiary of a health insurance issuer;
 - (3) Be an association that includes members of, or lobbies on behalf of, the insurance industry; or,
 - (4) Receive any consideration directly or indirectly from any health insurance issuer in connection with the enrollment of any individuals or employees in a QHP or a non-QHP.
- (d) Different Navigator Roles.** Individuals certified as Navigators would provide services in one (1) or two (2) tiered categories, depending on organizational qualifications and training/certification. These tiers include—
- (1) Tier 1 – Educator. Navigators desiring to function in this capacity will be required to perform all “education” duties defined above in paragraph (a)(1).
 - (A) Navigators acting strictly in a Tier 1 capacity will not be able to perform “enrollment” duties as defined above in paragraph (a)(2).
 - (B) Instead, should enrollment services be required, Tier 1 Navigators will be required to guide/direct/facilitate a connection with a Tier 2 Navigator, brokers/agent, HIX web site, call center or other appropriate agency.
 - (C) Any individual wanting to be certified as a Tier 1 Navigator must—
 - (i) Complete Tier 1 training modules (to be defined in the forthcoming Training and Certification recommendations) ;
 - (ii) Be either an employee or volunteer to an Exchange-approved organization meeting the qualifications defined in paragraph (b) and (d).
 - (2) Tier 2 – Enroller. Navigators desiring to function in a Tier 2 capacity as an “enroller” are responsible for performing all required duties specified above under paragraphs (a)(1) and (a)(2).
 - (A) Tier 2 Navigators are required to provide application assistance to consumers for all coverage options available through the Exchange, including QHPs, purchased with or without subsidies, as well as Medicaid and other state programs.

- (B) As it relates to Tier 2 Navigators' duties, "facilitating enrollment" will be defined as performing one or all of the following activities—
 - (i) Directly collecting individual information required to determine eligibility for QHP subsidies or Medicaid;
 - (ii) Entering, assisting the entry, or overseeing the entry of information into enrollment tools and resources, including final submission of information;
 - (iii) Providing general guidance, as appropriate, on the differences between the QHPs sold through the Exchange, with respect to their provider networks, drug formularies and utilization reviews, as well as, instruction on the impact of any premiums and cost sharing on the anticipated total cost of a QHP; and/or,
 - (iv) Referring individuals or small employers to a licensed broker (if needed or requested) to complete the application.
- (C) Tier 2 Navigators are prohibited from performing the following—
 - (i) Providing a specific recommendation regarding the plan option that would be best suited to an individual's particular need; and/or,
 - (ii) 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; and,
- (D) Any individual wanting to be certified as a Tier 2 Navigator must—
 - (i) Complete both Tier 1 and Tier 2 training modules (to be defined in the forthcoming Training and Certification recommendations);
 - (ii) Comply with the privacy and security standards adopted by the Exchange as required in accordance with § 155.260.
 - (iii) Be either an employee or volunteer to an Exchange-approved organization meeting the qualifications defined in paragraph (b) and (d).
- (3) All Navigators will maintain responsibilities to perform at a minimum the following "follow-up" functions defined above in paragraph (a)(3)(A)-(B).
 - (A) Additionally, Tier 2 Navigators will maintain responsibilities to perform "follow-up" functions defined above in paragraph (a)(3)(C)-(D)
- (4) Brokers and agents cannot function as Navigators, unless they are willing to forgo compensation (i.e. commissions) when enrolling individuals.
 - (A) Should a broker or agent wish to enroll individuals via the Exchange (and continue to receive corresponding commission from carriers) they will be required to take specific Exchange training in order to be certified.
 - (B) A broker or agent will not be required to provide Medicaid eligibility or enrollment assistance, however should they not perform these functions they will be required to refer such individuals to a qualified Tier 1 or Tier 2 Navigator or a Navigator-sponsoring organization.
- (e) **Navigator-Sponsoring Organizations**. A Navigator-sponsoring organization is an organization that has at least one Navigator performing either Tier 1 or both, Tier 1 and Tier 2 functions within their organization.
 - (1) A Navigator-sponsoring organization must have a minimum of at least two (2) full-time employees or full-time volunteers and meet the baseline qualifications outlined above in paragraph (b).

- (2) The Exchange will contract with one or more community or consumer-focused nonprofit group(s) and at least one of the following—
 - (A) Trade, industry, and professional associations;
 - (B) Commercial fishing industry organizations, ranching and farming organizations;
 - (C) Chambers of Commerce;
 - (D) Unions;
 - (E) Resource partners of the Small Business Administration;
 - (F) State or local human service agencies;
 - (G) Indian Tribes;
 - (H) Hospitals or Community Health Centers; and,
 - (I) Other public or private entities that meet the qualification requirements defined in paragraph (b) of this section.

(f) **Navigator Compensation.** Only Navigator-sponsoring organizations defined above in paragraph (b) and (d) will be eligible for any Exchange funding grants related to performing either Tier 1 or Tier 2 Navigator functions, or both functions. The Exchange will provide no direct payments to an individual. Compensation models will differ based on the tiered functions performed—

- (1) Tier 1 Funding Grants. Tier 1 Navigator Program grants will be competitively awarded to Navigator-sponsoring organizations. Funding grants will be divided into two payments.
 - (A) The first will consist of an upfront grant award to facilitate the commencement of Tier 1 Navigator activity by sponsoring organizations. The dollar amount will be equal to 75% of the total agreed upon grant award for the organization.
 - (B) The remaining 25% of grant award will be distributed after the organization has meet agreed upon performance goals established prior to the start of the organizations outreach efforts.
 - (C) Grant funding and performance goals will be established individually on an organization by organization basis, in acknowledgement that each potential entities size, scale and scope of operations is different and are unique across a diverse geographic and demographic spectrum.
 - (D) All compensation associated with Tier 1 activities will be paid to an affiliated organization.
- (2) Tier 2 Funding Grants. Tier 2 Navigator Program grants will be competitively awarded to Navigator-sponsoring organizations. Funding grants will be divided into two payments.
 - (A) The first will consist of an upfront grant award to facilitate the commencement of Tier 2 Navigator activity by sponsoring organizations. The dollar amount will be equal to 50% of the total agreed upon grant award for the organization.
 - (B) The remaining 50% of grant award will be distributed after the organization has meet agreed upon performance goals established prior to the start of the organizations outreach efforts. These goals will be almost exclusively focused on enrollment volume targeted by the organization.
 - (C) Grant funding and performance goals will be established individually on an organization by organization basis, in acknowledgement that each potential entities

size, scale and scope of operations is different and are unique across a diverse geographic and demographic spectrum.

- (D) All compensation associated with Tier 2 activities must be paid to an affiliated organization.