

Consumer Assistance under the Affordable Care Act

Module #1
Training Resource for
Indiana Navigators





Module #1 Objectives

- After reviewing this module, you will be able to:
 - Correctly identify consumer assistants, based on their roles, responsibilities, and requirements
 - Comply with Indiana law regarding Indiana Navigators and Application Organizations
 - Know where to go for information about becoming a consumer assistant
 - Know how to direct consumers for additional information



Types of Consumer Assistants Who May Help Hoosiers

- **Indiana Navigators**
- **Application Organizations**
- **Authorized Representatives**
- **Health insurance agents and brokers**
- Other consumer assistant titles consumers may see:
 - Federal Navigators
 - Certified Application Counselors (CACs)
 - Champions for Coverage



Other Consumer Assistants

- **The federal Marketplace will certify some consumer assistants, called:**
 - Federal Navigators*
 - Certified Application Counselors (CACs)*
- Both groups **MUST**:
 - **Meet federal standards and requirements**
 - Individuals: Complete training and certification
 - **Meet Indiana standards and requirements**
 - Individuals: Complete Indiana Navigator certification
 - Organizations: Register as Application Organizations

*For more information about these programs, see the Centers for Medicare and Medicaid Services bulletin (<http://www.cms.gov/CCIIO/Resources/Files/Downloads/marketplace-ways-to-help.pdf>)

Advising Consumers on Assistance and Protection



- Consumers **DO NOT** have to use a consumer assistant to complete their application for health coverage
- If consumers **DO** choose to ask someone for help, there are ways they can protect themselves from fraud and abuse:
 - Ask if the individual has been certified **by Indiana** as a:
 - Certified Indiana Navigator
 - Licensed health insurance agent
 - Find or verify a certified or licensed individual
 - Visit Indiana Department of Insurance website:
 - <http://www.in.gov/idoi/2823.htm>
 - Ask to see copy of certification or license



Indiana Navigators and Application Organizations

To protect Hoosier consumers from possible fraud, abuse, and confusion, Indiana passed a law to require individuals and organizations helping consumers with healthcare coverage applications to go through a certification or registration process



Indiana Navigators

- **Role:**
 - Provide consumers with fair, accurate, and impartial information about health coverage options
- **Responsibilities:**
 - Certified by Indiana Department of Insurance (IDOI) to assist consumers with:
 - Applications for the federal Marketplace ([Healthcare.gov](https://www.healthcare.gov))
 - Qualified Health Plans (insurance coverage)
 - Premium Tax Credits
 - Cost-Sharing reductions
 - Applications for Indiana Health Coverage Programs
 - Medicaid
 - Children's Health Insurance Program (CHIP)
 - Healthy Indiana Plan (HIP)
 - Etc.



Who needs to be certified as an Indiana Navigator?

- Individuals working directly with federal Marketplace and Indiana Health Coverage Program (IHCP) applicants to complete their application(s), including:
 - Federally-funded, federally-selected Navigators
 - Federally-designated Certified Application Counselors
 - Medicaid Enrollment Center staff or volunteers
 - Licensed insurance producers who do not sell health insurance plans or receive compensation from health insurance issuers
 - Staff or volunteers of other organizations



Prohibited History for an Indiana Navigator

- **Individual cannot be an Indiana Navigator if he or she:**
 - Has had the following denied, suspended, or revoked:
 - Insurance agent or broker license,
 - Indiana Navigator certification,
 - or equivalent license or certification
 - Has been convicted of a disqualifying felony or other crime
 - Decision made by Indiana Department of Insurance (IDOI)
 - Has admitted to or been convicted of unfair trade practice or fraud in the insurance business
 - Failed to pay state income tax or child support obligation

Indiana Navigator Certification* Process



Complete Indiana Navigator online application, including:
Conflict of Interest Disclosure Form; Privacy and Security Agreement; and Criminal Background Check; Pay non-refundable application fee**

Complete pre-certification training

Pass certification examination

Complete continuing education requirements annually

Complete online renewal application and pay application fee annually

*Indiana Navigators do not have to live in Indiana to assist Hoosiers

**Currently \$50 (Indiana residents) or \$100 (non-residents)

Indiana Navigator Online Application*



- **Required Indiana Navigator application:**
 - Complete online application
 - Pay non-refundable application fee***
 - Complete criminal background check**
 - Review Conflict of Interest Policy
 - Complete Conflict of Interest Disclosure Form
 - Sign Privacy and Security Agreement

*Application and additional forms can be found on Indiana Department of Insurance (IDOI) website

**Criminal background check may be completed by overseeing Application Organization (AO)

***Non-refundable application fee may be paid by overseeing AO; includes online application processing fee

Indiana Navigator Training and Certification Examination



- **Required training:**
 - Must complete pre-certification training course
 - Must take training with IDOI-authorized trainer
 - Trainer will report training completion to IDOI
 - Trainers can be found on IDOI website
- **Required Certification Examination:**
 - Must pass the Certification Examination
 - Must receive a score of 70% or higher to pass
 - Register for certification exam date and location on IDOI website

Indiana Navigator Certification Renewal



- **Reminder of certification renewal:**
 - 60 days before certification expires
 - IDOI emails courtesy reminder to renew certification to Indiana Navigator's email listed with the IDOI*
- **Process:**
 - Complete online renewal application
 - Submit non-refundable renewal fee
 - Submit Conflict of Interest Disclosure Form and Privacy and Security Agreement
 - Complete two (2) hours of continuing education (CE) each year
 - Must take CE with IDOI-authorized trainer
 - IDOI-authorized trainer will report CE completion to IDOI
 - Trainers can be found on IDOI website

*Indiana Navigators need to be aware of certification expiration date, as reminder notice is not guaranteed. Indiana Navigators may improve the chances of receiving the notice on time by keeping contact information up-to-date with the IDOI.

Application Organizations (AOs)



- **Application Organizations (AOs) are:**
 - Organizations with employees and/or volunteers assisting Hoosier consumers with:
 - Applications on the federal Marketplace (Healthcare.gov)
 - Qualified Health Plans (insurance coverage)
 - Cost-lowering programs
 - Examples: Premium Tax Credits, Cost-Sharing Reductions
 - Indiana Health Coverage Programs
 - Examples: Medicaid, Healthy Indiana Plan (HIP), and Children's Health Insurance Program (CHIP)



Requirements for Application Organizations (AOs)*

- **Organizations that meet the definition of an Application Organization (AO) must:**
 - ❑ Complete the online AO application
 - ❑ Pay the non-refundable registration and processing fee
 - ❑ Review the Conflict of Interest Policy
 - ❑ Complete the AO Conflict of Interest Disclosure Form
 - ❑ Sign the AO Privacy and Security Agreement
 - ❑ Report all Indiana Navigators working on behalf of the AO to the Indiana Department of Insurance (IDOI)
 - Updates ongoing, within 30 days of change
 - Must report when:
 - Indiana Navigator applies for certification
 - Indiana Navigator leaves the AO
 - Indiana Navigator becomes ineligible

*Registration and additional forms can be found on Indiana Department of Insurance (IDOI) website



Application Organizations (AOs): Requirements and Options

Function	Required Activity	Optional Activity
Online Application	<ul style="list-style-type: none"> <input type="checkbox"/> Attest that all individual Indiana Navigators are eligible (No prohibited conflicts of interest, no disqualifying criminal history) <input type="checkbox"/> Pay non-refundable fee 	<ul style="list-style-type: none"> <input type="checkbox"/> Pay application fees on behalf of Indiana Navigator(s) <p>AND/OR</p> <ul style="list-style-type: none"> <input type="checkbox"/> Perform criminal background check(s) on behalf of Indiana Navigator(s)
Training (pre-certification)	<ul style="list-style-type: none"> <input type="checkbox"/> Attest that all individual Indiana Navigators have completed training 	<ul style="list-style-type: none"> <input type="checkbox"/> Become a certified training entity with IDOI & provide training to individual Indiana Navigators <p>OR</p> <ul style="list-style-type: none"> <input type="checkbox"/> Pay pre-certification training fees on behalf of Indiana Navigator(s)
Certification examination	Not applicable	<ul style="list-style-type: none"> <input type="checkbox"/> Pay certification examination fees on behalf of Indiana Navigator(s)
Annual Re-Certification (Renewal)	<ul style="list-style-type: none"> <input type="checkbox"/> Complete new online application <input type="checkbox"/> Pay non-refundable fee <input type="checkbox"/> Update Indiana Navigator association(s) within 30 days of association change(s) 	<ul style="list-style-type: none"> <input type="checkbox"/> Become a certified training entity with IDOI & provide continuing education (CE) training <p>OR</p> <ul style="list-style-type: none"> <input type="checkbox"/> Pay CE fees on behalf of Indiana Navigator(s)



Limitations for Indiana Navigators and Application Organizations (AOs)

Indiana Navigators and AOs must work in the best interest of the consumer by reviewing, agreeing, and adhering to state-specific standards, including conflict of interest, privacy and security, and conduct



Conflict of Interest Policy

- **When to review?:**
 - Prior to submitting application/registration
- **What does it say?:**
 - Defines personal and business interests that may influence advice and assistance
 - **If conflicts of interest are prohibited by Policy:**
 - Disqualified from serving as Indiana Navigator or Application Organization (AO)
 - **If conflicts of interest are not prohibited by Policy:**
 - Must report to Indiana Department of Insurance (IDOI) and disclose to consumers
 - **Complete Conflict of Interest Disclosure Form**
 - Both the Conflict of Interest Policy and Disclosure Form can be found on the IDOI website



Compensation from Insurance Companies

- Indiana Navigators and Application Organizations (AOs) have rules relating to what they can and cannot accept from insurance companies
 - **CANNOT** accept
 - Cash
 - Paid commission
 - Grants
 - Credit/loans
 - Gifts
 - Free or discounted travel or prizes
 - **CAN** accept
 - Goods or other advertisement with a value of less than \$100 per year, per insurance issuer



Conflicts of Interest: Financial

Conflict of Interest	Example	Permissible?
Direct financial incentive	Health insurance broker or agent receives direct compensation from health insurance or stop loss insurance company *for enrollment in specific plans	No
Indirect financial incentive	Application Organization (AO) staff or board member holds stock in an insurance company and may indirectly benefit if Indiana Navigator helps consumer purchase a plan from that company	Perhaps**
None	Receive a set hourly wage from employer/AO, regardless of number of consumers helped or the plans selected by the consumers	Yes

*Although Indiana Navigators cannot accept compensation from insurance companies, they are not prevented from requesting compensation from consumers, unless they are also Federal Navigators or Federal Certified Application Counselors (CACs). Federally Navigators and CACs are prohibited from receiving compensation for their Federal Marketplace services.

**Although potentially allowed by the Indiana Department of Insurance (IDOI) Commissioner, the AO or Indiana Navigator must disclose the conflict of interest in writing to all consumers during the application process

Conflicts of Interest: Conflict of Loyalty



- **Definition:**

- Business or family interest that keeps the Indiana Navigator or Application Organization (AO) from acting in the best interest of the consumer
- Example:
 - Indiana Navigator or AO has a relationship with a hospital that prefers certain plans with higher payment rates

- **Report the conflict:**

- If a Conflict of Loyalty exists, the Indiana Navigator and/or AO must:
 - Complete the Conflict of Interest Disclosure Form and submit to Indiana Department of Insurance (IDOI)
 - Disclose the conflict to consumers in writing before assisting them



Privacy, Security, and Confidentiality: Required Actions

- **All Indiana Navigators and Application Organizations (AOs) must review and sign the Privacy and Security Agreement***
 - By signing the Privacy and Security Agreement, Indiana Navigators and AOs agree to:
 - **Protect consumer's personal information:**
 - Protect against threats to confidentiality, security breach, or improper disclosure
 - Dispose of/destroy information so it is unidentifiable and unusable
 - Collect only the minimum amount of information necessary
 - **Do Not** give information to anyone unless requested by the consumer or his or her authorized representative
 - **Abide by IDOI disclosure requirements:**
 - If a security breach or improper disclosure of personal information occurs, notify the consumer no later than ten (10) business days after discovery, and notify the IDOI no later than five (5) business days after discovery
 - Submit to IDOI the AO's or Indiana Navigator's internal privacy policies upon request from IDOI

*The Privacy and Security Agreement can be found on the Indiana Department of Insurance (IDOI) website

Providing Advice on Health Plans



- Indiana Navigators and AOs **cannot** provide specific plan selection advice
- Indiana Navigators and AOs **may** provide consumers with general information that will help them make the best personal choice

Examples: Acceptable and Unacceptable Plan Selection Advice



Interaction	Example	Acceptable
Indiana Navigator helps a consumer consider healthcare use	How often do you go to the doctor? What type of doctors?	Yes
Indiana Navigator helps a consumer compare plan benefits	Look at the Summary of Plan Benefits for available plans; Review other Consumer feedback posted on federal Marketplace website	Yes
Indiana Navigator helps consumer compare premiums and cost-sharing requirements for different plans	Would need to pay \$X per month for premiums, plus co-payments, co-insurance, etc.	Yes
Indiana Navigator helps a consumer estimate out-of-pocket expenses for different plans, based on self-assessed healthcare utilization patterns	Would need to pay \$X per month for premiums, plus \$X for estimated doctor visits, etc.	Yes
Indiana Navigator directly recommends that a consumer enroll in a specific health coverage plan	“You should choose Plan X...”	No



Prohibited Actions

- Indiana Navigators and Application Organizations (AOs) may **NOT**:
 - Provide incorrect, misleading, incomplete or untrue information in the Indiana Navigator and/or AO application
 - Obtain or attempt to obtain a license, certification, or registration through fraud
 - Violate:
 - An insurance law or regulation
 - A subpoena or order of the Commissioner of IDOI
 - A federal Marketplace rule
 - A rule adopted under Indiana Code 27-19-3-3
 - Affordable Care Act (ACA) final regulations

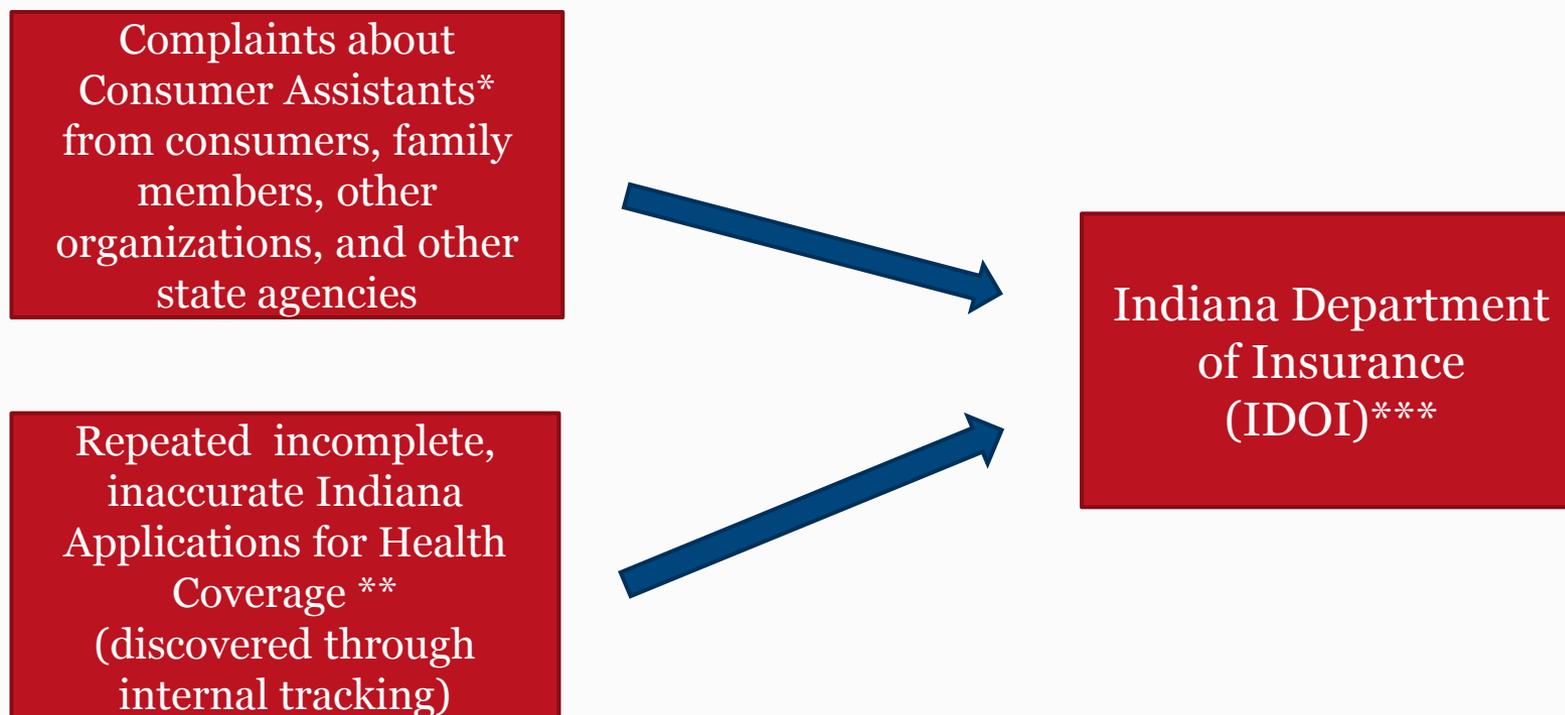


Prohibited Actions (cont.)

- Indiana Navigators and Application Organizations (AOs) may **NOT**:
 - Intentionally misrepresent the terms of an actual or proposed:
 - Insurance contract OR
 - Application for insurance
 - Use fraudulent, coercive, or dishonest practices
 - Demonstrate incompetence or untrustworthiness
 - Cheat on certification exam (only applies to Indiana Navigator)
 - Receive consideration from a health insurance company for enrolling a consumer into a health plan



State Monitoring and Enforcement: Complaints and Internal Tracking



*Complaints about health plans should be directed to the health insurance company first, and if no resolution, direct to the Indiana Department of Insurance (IDOI)

**Application quality and completeness will be particularly important for hospitals conducting presumptive eligibility (PE) determinations, as they will be held to state quality standards

***Online and paper complaint forms can be found on the IDOI website



State Enforcement Actions

- The Indiana Department of Insurance (IDOI) may respond to complaints against Indiana Navigators and Application Organizations (AOs) with:
 - Reprimand
 - Civil penalty (fine)
 - Suspension of certification
 - Revocation of certification (temporary or permanent)
 - Cease and desist order
- Severity of action will depend on the severity of the offense, and it is at the discretion of the Commissioner of IDOI



Health Insurance Brokers and Agents

Licensed by the Indiana Department of Insurance (IDOI), this group of consumer assistants has been helping with private insurance plan enrollment for a long time; and each may choose to continue in the same role or expand his or her work into the new federal Marketplace



The Basics: Brokers and Agents

- **Authorized to sell insurance plans in Indiana**
 - **License:**
 - From Indiana Department of Insurance (IDOI)
 - Complete training, licensing examination
 - **Operation:**
 - Sign agreement with one or more insurance company to sell company's health insurance plan(s)
 - Sell plans in the existing health insurance market
 - Contact information posted on IDOI website for consumers
 - **Payment:**
 - Receive commission directly from insurance company for each plan sold*

*Health insurance brokers and agents receiving commission for the sale of health insurance plans **may not** serve as Indiana Navigators

Agents and Brokers: New Requirements for selling on the federal Marketplace



- **Post-Affordable Care Act (ACA):**
 - Selling plans on the new federal Marketplace:
 - Must have health producer license with State of Indiana AND
 - Must complete federal Marketplace registration, training, and certification examination(s) **before** selling plans*
 - Help consumers enroll in Qualified Health Plans (QHPs) through:
 - Marketplace website **OR**
 - Insurance company website
 - Must inform consumers of option to access federal Marketplace and Qualified Health Plans

*Registration and training can be found on the federal Marketplace website



Authorized Representatives

May be authorized by individuals to act in the place of the applying individual

Authorized Representatives (ARs) Assisting with Medicaid Applications



- **Definition:**
 - Individual authorized by the consumer to act on behalf of the consumer to do the following:
 - Assist with Indiana Medicaid application *
 - Receive notice of application decision
 - Appeal decision and act on behalf of applicant at hearing
 - Report changes (i.e. change in address)
 - Act on behalf of consumer for periodic redeterminations
 - Receive appointment notices and any redetermination mail-in forms
 - Support ongoing health coverage needs
- **How to become an AR?**
 - Provide supporting legal documentation (i.e. Power of Attorney)
 - Consumer completes AR form
 - Can be found on the Indiana Division of Family Resources (DFR) website

*Not required to be certified as an Indiana Navigator



Ethics and Working with Underserved Populations

Consumer assistants may be working with vulnerable and underserved populations who do not have a lot of experience with health insurance; so it will be important to help them access reliable and accurate resources



Ethical Standards for Indiana Navigators

- Commitment to the consumer's best interests
- Support consumer's ability to make informed personal decisions
- Informed consent and clear expectations about the Indiana Navigator's role
- Competence and remaining up-to-date on new information
- Provide fair, impartial, and accurate information on consumer's health-plan options
- Cultural competence and respect
- Disclosure of [permissible] conflicts of interest
- Privacy and security of consumer's personal information
- Professional conduct



Serving Consumers

- In addition to financial challenges, consumers may face other barriers to health coverage, including:
 - Language
 - Disability
- Resources to address these challenges may be found with:
 - The federal Marketplace call center
 - The federal Marketplace website
 - Area Agencies on Aging
 - Division of Disability and Rehabilitative Services



Addressing Consumer Questions

Health Insurance Basics

(i.e. Understanding insurance terms like 'premium,' 'copayment,' 'coinsurance,' etc.)

- Health Insurance Company
- Ask for glossary of commonly-used terms

The Affordable Care Act

(i.e. Minimum Essential Coverage, Exemptions, Premium Tax Credits, etc.)

- Federal Marketplace call center

Health Plan details

(i.e. If existing coverage is considered Minimum Essential Coverage; What benefits are covered; etc.)

- Health Plan Summary of Plan Benefits
- Employer's Human Resources or Benefits Manager, as available

Selecting a Health Insurance Plan

(i.e. Understanding quality comparisons; Plan recommendations)

- Plan Quality: Federal Marketplace website, researching "Consumer Experience"
- Plan recommendations: Indiana Department of Insurance, researching "Find agent/broker"



Addressing Consumer Complaints

Complaints about an Indiana Navigator or AO

- Contact the Indiana Department of Insurance (IDOI)
- The online or paper IDOI complaint form can be found on IDOI's website

Complaints about Health Insurance Company or Plan

- Start by contacting the federal Marketplace or health insurance company
- If unable to resolve the issue with the health insurance company: complete IDOI complaint form on IDOI website

Complaints about Federal Marketplace

- Contact the federal Marketplace (Healthcare.gov)
- Call Federal Call Center at 1-800-318-2596



Resources for Consumer Assistants

Resources for Consumer Assistants



Consumer Assistant	Resource	Reference source
Indiana Navigator	State Certification	State website: http://www.in.gov/idoi/2823.htm
Application Organization	State Registration	State website: http://www.in.gov/idoi/2823.htm
Insurance agents and brokers	State Licensure	State website: http://www.in.gov/idoi/2611.htm
	Federal Registration (to sell health plans on the federal Marketplace)	Federal Website: http://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/a-b-resources.html
Authorized Representatives	State Registration	State website: http://www.in.gov/fssa/dfr/2689.htm



Resources for Consumers

Need	Contact	Contact information
General information about the Affordable Care Act	Federal call center	1-800-318-2596
General information about health insurance	Glossary of Commonly Used Terms provided by the insurance company	
Consumer Complaints	Health Insurance Company	Varies, See Insurance Card
	Indiana Department of Insurance (IDOI)	http://www.in.gov/idoi/2547.htm
	Federal Marketplace	https://www.healthcare.gov ; 1-800-318-2596
Language resources	Federal website	https://www.healthcare.gov
	Federal call center	1-800-318-2596
Disability resources	Federal website	https://www.healthcare.gov
	Federal call center	1-800-318-2596
	Area Agencies on Aging	http://www.in.gov/fssa/da/3478.htm
	Division of Disability and Rehabilitative Services	http://www.in.gov/fssa/ddrs/3341.htm



Module #1 Review

- Having completed this module, you should feel prepared to:
 - Correctly identify consumer assistants, based on their roles, responsibilities, and requirements
 - Comply with Indiana law regarding Indiana Navigators and Application Organizations (AOs)
 - Know where to go for information about becoming a consumer assistant
 - Know how to direct consumers for additional resources