Marketplace Agent and Broker Office Hours

Centers for Medicare & Medicaid Services (CMS)
Center for Consumer Information & Insurance Oversight (CCIIO)

March 14, 2024

Disclaimer

The information provided in this presentation is intended only as a general, informal summary of technical legal standards. It is not intended to take the place of the statutes, regulations, and formal policy guidance that it is based upon. This presentation summarizes current policy and operations as of the date it was presented. Links to certain source documents have been provided for your reference. We encourage audience members to refer to the applicable statutes, regulations, and other interpretive materials for complete and current information about the requirements that apply to them. The contents of this document do not have the force and effect of law and are not meant to bind the public in any way, unless specifically incorporated into a contract. This document is intended only to provide clarity to the public regarding existing requirements under the law.

This document generally is not intended for use in the State-based Marketplaces (SBMs) that do not use HealthCare.gov for eligibility and enrollment. Please review the guidance on our Agent and Broker Resources webpage (http://go.cms.gov/CCIIOAB) and Marketplace.CMS.gov to learn more.

Unless indicated otherwise, the general references to "Marketplace" in the presentation only include Federally-facilitated Marketplaces (FFMs) and State-based Marketplaces on the Federal Platform (SBM-FPs).

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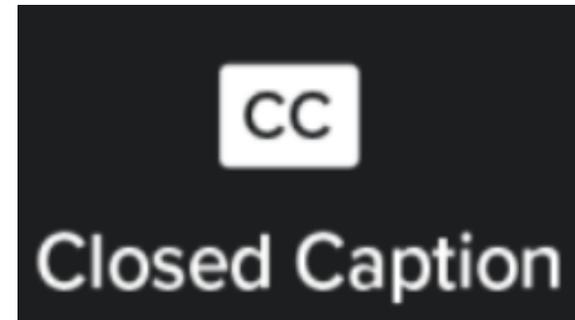
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Discussion and Questions

At the end of today's webinar, we will have a live discussion and question and answer session. You will be able to ask your questions verbally or by written submission in the Q&A tab.

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To submit a <u>written</u> question/view written responses:

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Please note: Due to time constraints, we may not be able to answer all questions posed during today's session either in writing, or during the live Q&A portion. CMS may use the context of your question to develop outreach materials in the future.

Opening Remarks

Agenda

01 Consent Reminders

02 Duplicate Applications

03 Preventing Duplicate Applications

04 Updating an Existing Application

05 Key Takeaways

06 Resources and Closing Remarks

Reminder: Documenting Consumer Consent Requirement

Consent Documentation Requirements

» Agents, brokers, and web-brokers are required to document the receipt of consent from the consumer or their authorized representative.

- The consumer or their authorized representative must take an action to produce the documentation;
- The documentation must contain, at a minimum, the following information:
  - A description of the scope, purpose, and duration of the consent provided by the consumer or their authorized representative;
  - The date the consent was given;
  - The name of the consumer or their authorized representative;
  - The name of the agent, broker, web-broker, or agency being granted consent;
  - A process through which the consumer or their authorized representative may rescind the consent.
- The agent, broker, or web-broker must maintain the documentation for **a minimum of 10 years.**

For more information on these requirements, view these FAQs here: https://www.cms.gov/files/document/2024-pn-ab-faq-9823.pdf **and webinar slides here:** https://www.cms.gov/files/document/marketplace-compliance-2024-payment-notice-updates-webinar-slides.pdf**.**

Reminder: Documenting Application Review Requirement

Review Documentation Requirements

» Agents, brokers, and web-brokers are required to document that eligibility application information has been reviewed by and confirmed to be accurate by the consumer or their authorized representative prior to application submission.

  o The consumer or their authorized representative must take an action to produce the documentation;

  o The documentation must contain, at a minimum, the following information:

    ▪ The date the information was reviewed;

    ▪ The name of the consumer or their authorized representative;

    ▪ An explanation of the attestations at the end of the eligibility application; and

    ▪ The name of the assisting agent, broker, or web-broker.

  o The agent, broker, or web-broker must maintain the documentation for **a minimum of 10 years.**

For more information on these requirements, view these FAQs here: https://www.cms.gov/files/document/2024-pn-ab-faq-9823.pdf **and webinar slides here:** https://www.cms.gov/files/document/marketplace-compliance-2024-payment-notice-updates-webinar-slides.pdf**.**

Reminder: Changing NPNs on Marketplace Applications

Review Requirements for Changing NPNs on a Consumer's Application

» Documented consent must be obtained from the consumer when an NPN on a Marketplace application is being changed from one agent or broker to another.

» Consent must be documented prior to assisting the consumer with applying for or enrolling in coverage.

» If a consumer has granted agency-wide consent, the agency will not be required to obtain new consent when the NPN on the consumer's application changes, provided:

   o The consumer's consent has not expired or been rescinded; and

   o The new NPN belongs to an agent or broker of the agency to whom the consumer granted consent.

For more information on these requirements, view these FAQs here: https://www.agentbrokerfaq.cms.gov/s/article/How-do-the-consent-requirements-adopted-in-the-2024-Payment-Notice-relate-to-NPNs-being-changed-on-Marketplace-applications **and webinar slides here:** https://www.cms.gov/files/document/marketplace-compliance-2024-payment-notice-updates-webinar-slides.pdf.

Duplicate Applications

What is a Duplicate Application?

» A **duplicate application** occurs when a Marketplace application already exists for a consumer and an agent or broker submits a new application instead of updating the consumer's current application.

When assisting a consumer with an application using an approved Classic Direct Enrollment (DE) or Enhanced Direct Enrollment (EDE) website, agents and brokers must **search to see if the consumer has an existing application** with the Marketplace.

How are Duplicate Applications Created?

» Before starting a new Marketplace application for a consumer, agents and brokers are required to search for any existing Marketplace applications.

» Both **Enhanced Direct Enrollment (EDE)** and **Classic Direct Enrollment (DE)** pathways require agents and brokers to perform a **person search**.

Person search tools take information entered by the agent or broker, such as the consumer's Social Security Number (SSN), date of birth (DOB), and complete name, to identify any existing Marketplace applications the consumer may have.

How are Duplicate Applications Created?
(continued)

» If an agent or broker uses **incomplete or incorrect consumer information** to search for an application, the search results may falsely indicate the consumer does not have an existing application.

» If the agent or broker does not **verify the information provided** and creates a new application instead, a duplicate application is created.

How are Duplicate Applications Created?
(continued)

» Examples of inaccurate search methods that may lead to these incorrect search results most commonly include:

Mis-keyed Search Elements

An agent or broker mistypes the consumer's name or enters their SSN or DOB incorrectly.

Incomplete Last Names

An agent or broker enters a partial last name; many consumers have multiple or hyphenated last names.

The Consumer Impact of Duplicate Applications

» When duplicate enrollments exist, **only one enrollment can be used.** Coverage for the other enrollments will be terminated or cancelled.

Consumers with duplicate enrollments face a heightened risk of **losing their coverage and/or tax credits.**

If the coverage that is terminated or cancelled covered multiple consumers, but only one of these consumers had a duplicate application, the **others would lose coverage** when their coverage is terminated or cancelled.

The Agent and Broker Impact of Duplicate Applications

» Duplicate applications can make it more challenging for agents and brokers to assist consumers, as agents and brokers may mistakenly update the wrong application.

Agents and brokers could **lose commissions** if consumers' coverage is terminated.

CMS monitors agents and brokers with high rates of duplicate applications and conducts outreach activities to address these high rates.

What is YOUR Role in Preventing Duplicate Applications?

Agents and brokers play a crucial role in helping consumers remain enrolled in coverage by ensuring they only have **one application** in the Marketplace.

When assisting consumers with an application using a DE/EDE pathway, you must **search to see if the consumer has an existing application.**

If the consumer has an existing application, the agent or broker must **update the existing application** rather than create a new application.

Avoid interruptions in consumer coverage by using the consumer's **current Marketplace application** to make any updates or report changes before creating a new one.

Consumer Scenario #1

Scenario: An agent, Malinda, is working hard to help her client, Tim, apply for Marketplace coverage. She chooses to create a new application without taking the time to perform an accurate and thorough person search. Tim already has an existing Marketplace application and enrollment, but Malinda created a new one.

Question: What impact does this have on Tim?

- A. Tim won't be impacted by duplicate applications.
- B. Tim could lose his access to the Marketplace system.
- C. Tim is at risk of losing coverage or tax credits for having multiple applications.
- D. Other household members on Tim's application could lose coverage.
- E. Both C and D.

Consumer Scenario #1

Explanation: Since only one application with active coverage can exist for a consumer, submitting a new application and enrollment for Tim when an existing application with additional household members on it could cause that existing application to be deleted, terminating coverage for everyone on the household and impacting eligibility for financial assistance. Instead, Malinda should conduct a person search for Tim's existing application and update this one.

Question: What impact does this have on Tim?

A. Tim won't be impacted by duplicate applications.
B. Tim could lose his access to the Marketplace system.
C. Tim is at risk of losing coverage or tax credits for having multiple applications.
D. Other household members on Tim's application could lose coverage.
E. **Both C and D.**

Preventing Duplicate Applications

Person Searches

» Searching for an existing application through a person search on a Classic DE/EDE platform is the **most effective way** to verify if a consumer has an application in the Marketplace already.

As a reminder, agents and brokers must **obtain and document consent from the consumer prior to using person search tools** provided by Classic DE or EDE platforms.

How to Perform Person Searches

» A person search can be completed in one of two ways. One way of completing a person search is through an **SSN + DOB search**.

SSN + DOB
The agent or broker is prompted to enter both the consumer's SSN and DOB to locate an existing application.

How to Perform Person Searches
(continued)

» Another option, which may be necessary if the consumer does not have an SSN, is by completing a **demographic search**.

Demographic Search (First Name + Last Name + DOB)
The agent or broker should verify the complete and accurate spelling of the consumer's full name prior to completing this search.
It is also recommended that the agent or broker try additional combinations of the consumer's name if the initial search yields no results.

Best Practices for Performing Person Searches

» Tips for conducting person searches:

A typo in a consumer's name may generate incorrect or null results. **Always double check the spelling** with the consumer.

If searching by the consumer's name, **include their middle name** (if applicable) to help narrow down results and reduce the risk of selecting the incorrect application.

If a consumer has multiple last names, **attempt different combinations** if the first one fails.

Best practice: If the consumer has one, CMS recommends **searching by their SSN** as the most effective method of locating a consumer's application.

Consumer Scenario #2

Scenario: Stan is using a direct enrollment (DE) partner's website to assist his client, Alba, in enrolling in health coverage. He is unsure of whether Alba has an existing Marketplace application for the coverage year.

Question: Which of these is the best method for Stan to take to prevent a duplicate application from being generated?

- A. Let Alba confirm if she has an existing application.
- B. Log in to Alba's HealthCare.gov to verify her application status.
- C. Submit a new application regardless; the Marketplace will merge any existing applications on file with the new one.
- D. Conduct a person search using Alba's name, DOB, and/or SSN.

Explanation: To avoid creating a duplicate application for the consumer, Stan should conduct a person search by using a consumer's name, DOB, or SSN. If existing applications do not appear, Stan should try a different data input than before or try variations of the consumer's first and/or last name.
As a reminder, agents and brokers may **never** log into a consumer's HealthCare.gov account on their behalf.

Question: Which of these is the best method for Stan to take to prevent a duplicate application from being generated?

A. Let Alba confirm if she has an existing application.
B. Log in to Alba's HealthCare.gov to verify her application status.
C. Submit a new application regardless; the Marketplace will merge any existing applications on file with the new one.
D. **Conduct a person search using Alba's name, DOB, and/or SSN.**

Consumer Scenario #3

Scenario: Jade is attempting to update an application for a new client, Eamon, based on an email correspondence with him. Jade believes the name provided in the email may have been misspelled and is unsure how to spell it herself. She has received an error for each spelling variation she has tried when conducting a person search by his name.

Question: How can Jade make sure that she's not generating a duplicate application when helping to enroll her consumer in health coverage through the Marketplace?

    A. Reach out to Eamon and ask him to confirm the spelling of his entire name.
    B. Submit a new application since no applications are generating from a name search.
    C. Try searching by another element, such as his SSN.
   D. Both A and C.

Consumer Scenario #3

Explanation: Jade can reach out to Eamon and confirm the spelling of his name to more accurately see if this consumer has an existing Marketplace application. Additionally, Jade can attempt to search by his SSN or DOB.

Question: How can Jade make sure that she's not generating a duplicate application when helping to enroll her consumer in health coverage through the Marketplace?

   A. Reach out to Eamon and ask him to confirm the spelling of his entire name.
   B. Submit a new application since no applications are generating from a name search.
   C. Try searching by another element, such as his SSN.
   D. Both A and C.
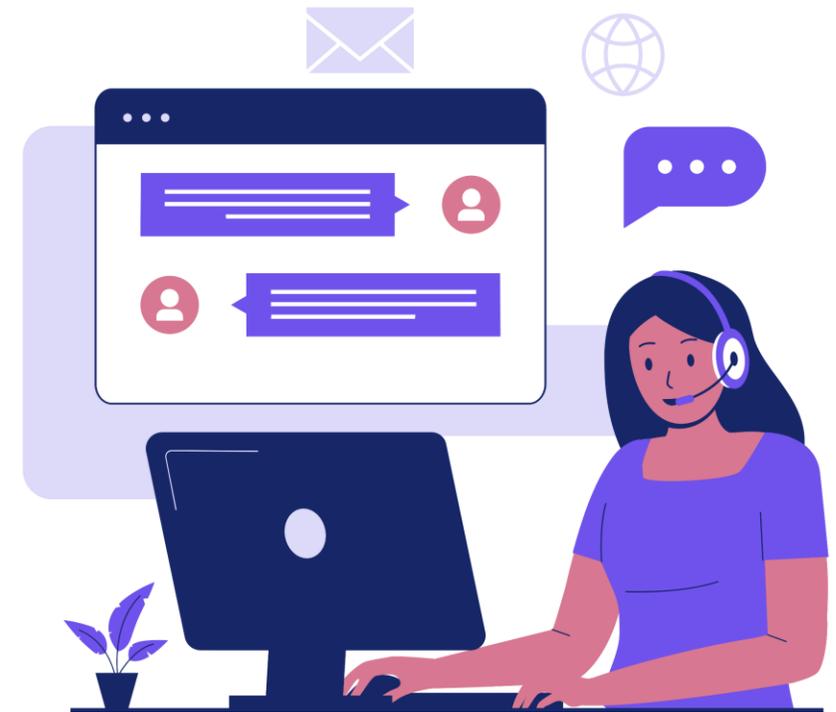
Updating an Application Found from a Person Search

» Once you have conducted a thorough person search, if an existing application for the consumer is displayed, use this application to make any desired updates.

Do NOT create a new application for the consumer if an existing application for the **correct coverage year and coverage state** is detected.

Creating a New Marketplace Application

» Occasionally, there may be instances where the Person Search returns an application for a consumer, but **a new application will need to be created** as opposed to updating an existing application.

» Instances where this would apply would be if the returned application is for the:

✓ **CORRECT** coverage year, but
✗ **WRONG** coverage state

✗ **WRONG** coverage year (2 or more years prior), but
✓ **CORRECT** coverage state

Update the Client's Existing Application

Get Consent
After obtaining and documenting the consumer's consent, work with them to update the application as needed.

Accuracy Impacts Eligibility
Depending on the consumer's recent life events or changing information, they may qualify for advance payments of the premium tax credit (APTC), cost-sharing reductions (CSRs), or a Special Enrollment Period (SEP). It's important to enter the consumer's information accurately to ensure their results are accurate.

Verify Accuracy with the Consumer
Never assume you have accurately entered consumer eligibility application information on the Marketplace application without reviewing and confirming its accuracy with the consumer and documenting that confirmation.

Key Takeaways

Key Takeaways

Creating a new application for consumers with an existing application can result in loss of coverage or eligibility for financial assistance for the consumer.

Performing a person search to verify if a consumer already has an existing application is required before creating a new application.

Verify that the consumer's information is correct before conducting a person search to ensure the application can be found.

If one search method doesn't return an existing application, search by another to be certain the consumer doesn't have an existing application.

If a consumer already has an application in the system, update it. Do not create a new application.

Marketplace Application Resources

HealthCare.gov Resources

How to Report Changes to the Marketplace	https://www.healthcare.gov/reporting-changes/how-to-report-changes/
Special Enrollment Opportunities	https://www.healthcare.gov/coverage-outside-open-enrollment/special-enrollment-period/
Special Enrollment Periods for Complex Health Care Issues	https://www.healthcare.gov/sep-list/

CMS.gov Resources

Avoiding Duplicate Marketplace Applications	https://www.cms.gov/files/document/avoiding-duplicate-applications.pdf
Complex Case Scenarios	https://www.cms.gov/files/document/complex-case-scenarios-webinar-slides.pdf

Marketplace Application Resources

Agents and Brokers Resources

 FAQs: Duplicate Applications

https://www.agentbrokerfaq.cms.gov/s/global-search/duplicate%20applications

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Webinar Session Survey

CMS welcomes your feedback regarding this webinar and values any suggestions that will allow us to enhance this experience for you.

Shortly after this call, we will send a link to you for a convenient way to submit any ideas or suggestions you wish to provide that you believe would be valuable during these sessions. **Please take time to complete the survey and provide CMS with any feedback.**

Agents and brokers are valued partners to all of us at CMS for the vital role you play in enrolling consumers in qualified health coverage.

We thank you for the trusted advice, support, and assistance you provide throughout the year and wish you continued success throughout the year!