



# Tips for Assisters on Working With Outside Organizations



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# Agenda

- Required and Optional Referrals
- Working with Agents and Brokers
- Rules for Working with Outside Organizations
- Tips for Identifying Organizational Collaboration
- Knowledge Checks



# A Note About This Presentation

- This presentation addresses specific requirements, guidelines, and best practices for Navigators and certified application counselors (CACs) (collectively referred to as “assisters” or “you” in this presentation) in Federally-facilitated Marketplaces (FFMs, also known as Exchanges or FFEs).
- The terms “Federally-facilitated Marketplace” and “FFM,” as used in this presentation, only includes states that rely solely on the federal government to operate their Exchanges (Marketplace).
- By “outside organizations,” we mean organizations that are not other assister organizations or HHS entities such as CMS Regional Offices.
- Assisters should be aware that other state or federal laws that are not discussed in this presentation might apply to their relationships with outside organizations.

# Required Referrals: Consumer Grievances, Complaints, and Questions about Health Coverage

- When consumers need additional assistance with grievances, complaints, or questions about their health plan, coverage, or a plan or coverage determination, Navigators must provide referrals to:
  - An applicable office of health insurance consumer assistance.
  - Health insurance ombudsman.
  - Other appropriate state agency or agencies.
- As long as CACs have sufficient knowledge to make these types of referrals, they may, but are not required to, provide them.

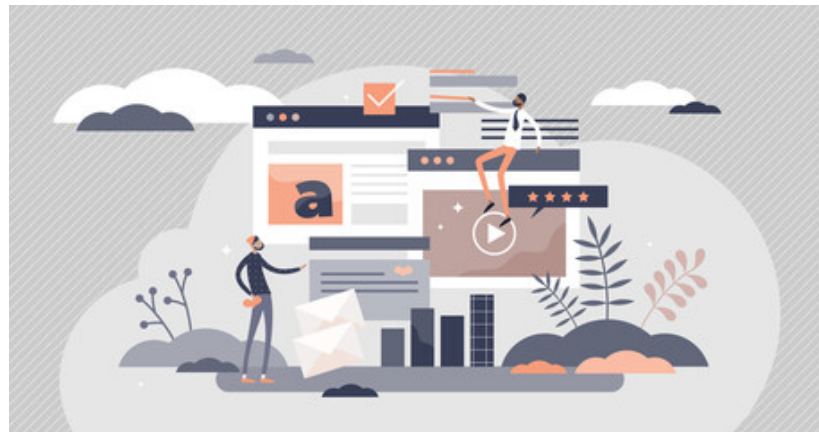


# Required Referrals: Other Assisters, the Marketplace Call Center, or Other Resources

- Navigators in FFM's are also required to provide information (at no cost to the individual) in a manner that is culturally and linguistically appropriate to the needs of the population being served by the Marketplace, including:
  - Providing information accessible to individuals with Limited English Proficiency (LEP).
  - Providing information accessible to individuals with disabilities, including accessible websites and auxiliary aids and services.
- Navigators in FFM's must also:
  - Acquire sufficient knowledge to refer people with disabilities to local, state, and federal long-term services and support programs when appropriate.
  - Seek advice or experts when needed to ensure they are able to work with all individuals regardless of age, disability, or culture.

# Required Referrals: Other Assisters, the Marketplace Call Center, or Other Resources (Cont.)

- CACs must provide information in a manner that is accessible to individuals with disabilities either directly or through an appropriate referral to a Navigator or the FFM Call Center.
- CACs should provide appropriate referrals to geographically accessible Navigators and/or the FFM Call Center if the CAC is unable to assist a consumer with LEP.
- If a CAC organization that receives federal funds to provide services to a defined population (and limits provision of CAC services to that population) is approached for CAC services by an individual not included in the defined population, it must refer the individual to other Marketplace-approved resources that can provide assistance.



# Providing Referrals

- When providing referrals, assisters should refer consumers to outside organizations that are reputable and meet any federal and/or state requirements, which may include:
  - State or federal government agencies;
  - Professionally licensed, accredited, or certified tax advisers and preparers; and
  - Licensed attorneys.
- **Best Practice Tip:** Ensure that all organizations you work with provide unbiased, accurate, and up-to-date information to consumers.

# Optional Referrals: Consumer Questions about Certain Tax Topics

- Assisters are not allowed to provide tax advice to consumers in their role as assisters.
- FFM Navigators should provide referrals to licensed tax advisers, tax preparers, or other resources for assistance with tax preparation and tax advice related to consumers' specific questions about their Marketplace application and enrollment process and premium tax credit reconciliations.
- Remember that there is very helpful information about taxes and Marketplace coverage that you can refer the consumer to located at [HealthCare.gov/taxes/](https://www.healthcare.gov/taxes/).
- CACs may, but are not required to, provide these types of referrals if they have sufficient knowledge.





# Optional Referrals: Consumer Questions about Certain Tax Topics (Cont.)

- You should be familiar with the following tax resources:
  - The Volunteer Income Tax Assistance (VITA) program offers free tax help to people who make up to a certain amount of money (\$57,000 or less in 2021), persons with disabilities, and limited-English-speaking taxpayers. To find the income threshold and a provider in the consumer's area, visit [IRS.treasury.gov/freetaxprep/](https://www.irs.treasury.gov/freetaxprep/).
  - The Tax Counseling for the Elderly (TCE) program offers free tax help for all taxpayers, particularly age 60 and older, specializing in questions about pensions and retirement-related issues unique to seniors. To locate the nearest VITA or TCE site, use the VITA tool, call 1-800-906-9887, or go to [IRS.gov/individuals/find-a-location-for-free-tax-prep](https://www.irs.gov/individuals/find-a-location-for-free-tax-prep).
  - Other licensed, certified, or accredited local or national federal tax return preparers. To identify tax return preparers in the consumer's area, use the IRS tool at [IRS.treasury.gov/rpo/rpo.jsf](https://www.irs.treasury.gov/rpo/rpo.jsf).
    - You should check that the tax professional's licensure, certification, or accreditation (as applicable) is in good standing before referring consumers to that person. You can also leverage existing relationships or develop new ones with tax professionals in your community, consistent with applicable requirements and prohibitions.

# Optional Referrals: Consumers' Questions Related to Marketplace Eligibility Appeals

- FFM Navigators can help consumers understand the process of filing Marketplace eligibility appeals. CMS interprets this assistance with Marketplace eligibility appeals to include, where relevant to consumers' needs, providing information about free or low-cost legal help in the consumer's area, including local legal aid or legal services organizations and other state offices to help with the Marketplace eligibility appeals process.
- Here's a recommended resource to refer consumers to about appeals and the Marketplace: [HealthCare.gov/marketplace-appeals/](https://www.healthcare.gov/marketplace-appeals/).



# Optional Referrals: Consumers' Questions Related to Marketplace Eligibility Appeals (Cont.)

- Navigators should have sufficient knowledge to refer a consumer to free or low-cost legal help in the consumer's area, such as:
  - Consumer Assistance Programs (CAPs). To find a CAP in the consumer's area, visit [CMS.gov/ccio/resources/consumer-assistance-grants](https://www.cms.gov/ccio/resources/consumer-assistance-grants).
  - Ombudsmen. A list of ombudsmen by state is available at [CMS.gov/Medicare-Medicaid-Coordination/Medicare-and-Medicaid-Coordination/Medicare-Medicaid-Coordination-Office/FinancialAlignmentInitiative/BeneficiaryCounselingandOmbudsmanPrograms](https://www.cms.gov/Medicare-Medicaid-Coordination/Medicare-and-Medicaid-Coordination/Medicare-Medicaid-Coordination-Office/FinancialAlignmentInitiative/BeneficiaryCounselingandOmbudsmanPrograms).
  - Other state agencies.
  - Level aid services. To find legal aid services in the consumer's area, visit [LSC.gov/what-legal-aid/find-legal-aid](https://www.lsc.gov/what-legal-aid/find-legal-aid).
- CACs may, but are not required to, provide these types of referrals if they have sufficient knowledge.

# Optional Referrals



In addition to providing the referrals previously mentioned in this presentation, you may find it helpful to provide consumers with other kinds of nonrequired or optional referrals. Subject to the limitations and guidelines discussed in this webinar, you may also collaborate or partner with outside organizations at outreach or enrollment events or in other ways.

# Optional Referrals (Cont.)

| Type of Outside Organization  | Examples  |
|---|---|
| Federal or state programs that offer health care, health coverage, or payment assistance or discounts related to health services  | <ul style="list-style-type: none"> <li>• Your state Medicaid or CHIP agency</li> <li>• The Veterans Affairs Health Benefits Program</li> <li>• Medicare and State Health Insurance Assistance Program (SHIP) counselors</li> <li>• Ryan White HIV/AIDS programs or AIDS Drug Assistance programs for lower-cost prescription drugs</li> </ul> |
| Organizations that specialize in disease-specific or local patient groups   | <ul style="list-style-type: none"> <li>• American Cancer Society</li> <li>• American Diabetes Association</li> </ul>  |
| Other local or community organizations  | <ul style="list-style-type: none"> <li>• Homeless shelters</li> <li>• Food banks</li> <li>• LGBT community centers</li> <li>• Churches</li> <li>• Legal aid organizations</li> <li>• Local colleges and universities</li> </ul>   |
| <p>Local businesses</p> <p>These types of businesses might allow you to leave outreach materials for their customers or to set up an information table to engage with customers about enrolling in coverage</p> | <ul style="list-style-type: none"> <li>• Coffee shops</li> <li>• Malls</li> <li>• Farmer’s markets</li> <li>• Grocery stores</li> </ul>   |

# Recommendations and Reminders for Working With Outside Organizations

- Assisters must understand when it is appropriate to inform consumers about agents' and brokers' services.
  - You should know how you can collaborate and engage with agents and brokers without violating assister legal requirements.
  - You may provide referrals to a general listing of agents and brokers if the consumer asks to work with an agent or broker, but assisters should not refer consumers to a specific agent or broker. Assisters may help a consumer with contacting a specific agent or broker after the consumer looks at a general listing of agents and brokers and selects a specific agent or broker to contact.
  - You may inform the consumers that agents and brokers as well as Navigators and CACs are also listed at Find Local Help: [LocalHelp.healthcare.gov/#/](https://www.localhelp.healthcare.gov/#/).
- **Reminder:** Agents and brokers are typically compensated by health insurance companies with whom they have a contract and are sometimes exclusively affiliated with a specific health insurance company or company to sell certain products. With the exception of web-brokers, agents and brokers are not required by federal law to display all available qualified health plans (QHPs) or to facilitate enrollment into all QHPs.

# Recommendations and Reminders for Working With Outside Organizations (Cont.)



- Assisters can refer consumers and employers to Help On Demand, a real-time referral system that connects consumers with Marketplace-registered, licensed agents and brokers in their area who can assist them with plan selection and enrollment in individual insurance coverage through the Marketplace or in Small Business Health Options Program (SHOP) coverage.
- Help On Demand is a CMS-contracted service developed and hosted by Help On Demand (formerly known as BigWave Systems). Help On Demand referrals are not provided by CMS or the Marketplace, and they do not constitute an endorsement by the Department of Health & Human Services (HHS) or the U.S. Government of the individual agents or brokers. However, all participating agents and brokers must complete Marketplace training and registration, sign applicable agreements with CMS, and hold an active license for a health line of authority in the respective state in addition to completing Help On Demand training.
- For more information, visit [Marketplace.cms.gov/technical-assistance-resources/help-on-demand-tool-faq.pdf](https://www.Marketplace.cms.gov/technical-assistance-resources/help-on-demand-tool-faq.pdf).

# General Rules for Providing Referrals

- When providing referrals that are required under CMS regulations, remember that you must refer consumers to outside organizations that also are required to provide fair, accurate, and impartial information. CMS considers state or Federal Government agencies; professionally licensed, accredited, or certified tax advisers and preparers; and licensed attorneys to meet this requirement.
- Although not required when providing optional referrals or forming non-required partnerships with outside organizations, it is still a good practice to ensure (to the extent you are able) that the organization is providing unbiased, accurate, and up-to-date information to consumers.

The word "REFERRALS" is displayed in a stylized, colorful font. Each letter is a different color and overlaps with the others, creating a vibrant, multi-colored effect. The colors include shades of blue, purple, pink, orange, red, and green.



# General Rules for Providing Referrals (Cont.)

- As a best practice, assisters should inform consumers:
  - Whether the outside organization is registered with or approved or certified by the FFMs and if it is likely to be bound by the same legal requirements and prohibitions that apply to you and your organization, such as privacy and security requirements.
  - That the referral to an outside organization does not imply an endorsement of that organization by CMS.
- Additionally, CACs are required to act in consumers' best interests, and all assisters are expected to consider consumers' expressed interests, needs, and desires when fulfilling their duty to provide fair, accurate, and impartial information.



# General Rules for Working With Outside Organizations

- Assisters are generally permitted to collaborate with, make referrals to, and recommend the services of specific outside organizations.
- When doing so, assisters must ensure that:
  - These referrals and collaborations are consistent with your duty to provide fair, accurate, and impartial information.
  - The outside organization does not have a direct financial relationship with health insurance (or stop loss insurance) issuers or a financial incentive to enroll consumers into a specific health plan or coverage.
- Assisters should also clearly inform consumers:
  - Whether an outside organization is likely to be bound by the same legal requirements and prohibitions that apply to you and your organization, such as privacy and security requirements; and
  - That the referral to an outside organization does not imply an endorsement of that organization by CMS.



# General Rules for Working With Outside Organizations (Cont.)

- To ensure that your referrals, collaborations, and partnerships are fair and impartial, assisters should apply the same list of objective criteria in selecting each organization you refer consumers to or partner or collaborate with.
- Whether you're making referrals or collaborating with a local community organization at an outreach or enrollment event, your work connecting individuals to organizations that help in areas outside your scope of work under an HHS contract or grant should be minimal and not result in additional funding requests under HHS grants or contracts.
- When working with outside organizations, any assister who is a part of a Navigator grant or a certified application counselor designated organization's (CDO's) legal agreement with CMS should follow:
  - The terms of its grant or legal agreement; and
  - All applicable federal and state regulations.



# Prohibitions When Working With Outside Organizations

- Assisters **must not** accept payment in exchange for providing a referral or recommending the service of an outside organization.
- Assisters **may not** refer consumers to a specific agent or broker.



# Tips for Identifying Organizations for Partnership or Collaboration

- Identify the subject areas in which a referral resource or partnership might be required or helpful.
- Develop a list of objective criteria for evaluating a potential resource and referral or collaboration partner to ensure you are providing fair and impartial referrals.
- Know your community.
- Identify and make a list of the organizations, businesses, and individuals in your community that can provide appropriate and helpful assistance to consumers.
- Get to know the potential outside organization.
  - Engage a wide variety of organizations who do similar work.
  - Expand your presence.



# Knowledge Check #1

If I want to refer a consumer to a homeless shelter, may I refer the consumer to a particular one, or do I have to provide the consumer with a list of all the homeless shelters in their area?



# Knowledge Check #1 Answer

**Generally, you may refer a consumer to a specific homeless shelter as long as you follow the guidelines we've discussed, including:**

- Ensuring that the referral is consistent with your duty to provide fair, accurate, and impartial information, including by ensuring that the shelter does not have a direct financial relationship with health insurance or stop loss insurance issuers or a financial incentive to enroll consumers into a specific health plan or coverage.
- Applying the same list of objective criteria in selecting the shelter that you apply when selecting any organization you refer consumers to or partner or collaborate with.
- You should also consider the best interests of the consumer and the consumer's expressed interests, needs, and desires.
- Not accepting payment in exchange for providing the referral.



# Knowledge Check #2

Can an individual assister be trained to provide tax services under the Volunteer Income Tax Assistance (VITA) program? Can an assister organization also serve as a VITA site?





# Knowledge Check #2 Answer

- **Yes, as long as the assister and the assister organization keep their assister work separate from their tax preparation work.** Many assisters find it helpful to have VITA volunteers on site to provide assistance with the tax filing components of the premium tax credit reconciliation process, and some assisters are dually trained as assisters and VITA volunteers.
- **However, assisters may not provide tax advice or services in their capacity as assisters.** For example, assisters acting in their capacity as assisters should not help consumers fill out IRS forms or complete their tax returns. Where assisters are also tax professionals, they must keep these duties separate and not perform any tax assistance within their capacity as assisters or using HHS Navigator grant funds.



# Resources

- In-person Assistance in the Health Insurance Marketplace®: [CMS.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/assistance](https://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/assistance)
- Outreach and Education Resources: [Marketplace.cms.gov/outreach-and-education](https://www.Marketplace.cms.gov/outreach-and-education)
- Marketplace Assister Toolkit: [Marketplace.cms.gov/technical-assistance-resources/marketplace-assister-toolkit](https://www.Marketplace.cms.gov/technical-assistance-resources/marketplace-assister-toolkit)

