Navigator Subcommittee Update

Pam Silberman, JD, DrPH
President & CEO
February 28, 2012

NCIOM North Carolina Institute of Medicine
shaping policy for a healthier state

Agenda

- Brief overview of navigators, outreach, enrollment provisions in ACA
- Review of tentative recommendations for role of navigator in nongroup market

NCIOM

Agenda

- **Brief overview of navigators, outreach, enrollment provisions in ACA**
- Review of tentative recommendations for role of navigator in nongroup market

NCIOM

ACA Requirements for Navigators (1311(i))

- HBE must establish a program to award grants to entities that serve as navigators
- To receive a grant, the entity must:
  - Demonstrate that it has, or could readily establish relationships with employers and employees, consumers (including uninsured and underinsured consumers) or self-employed individuals likely to be qualified to enroll in a QHP.
  - Entities may include trade, industry and professional associations, commercial fishing, ranching and farming organizations, community and consumer-focused nonprofit groups, chambers of commerce, unions, resource partners of the Small Business Association, and other licensed insurance agents and brokers, and other entities that can carry out duties and meet statutory responsibilities.

NCIOM

ACA Requirements for Navigators (1311(i))

- The duties of the navigator include:
  - Public education to raise awareness of QHPs
  - Distribute fair and impartial information
  - Facilitate enrollment in QHPs
  - Provide referrals to any applicable office of health insurance consumer assistance or health insurance ombudsman or other appropriate state agency for an enrollee with a grievance, complaint or question about their health plan
  - Provide information in a manner that is culturally and linguistically appropriate to the needs of the population being served.

NCIOM

ACA Requirements for Navigators (1311(i))

- The Secretary shall establish standards for navigators to ensure that an entity selected to serve as a navigator is qualified, and licensed if appropriate, to engage in navigator activities and to avoid conflicts of interest. Navigators shall not:
  - Be a health insurance issuer
  - Receive any consideration directly, or indirectly, from a health insurance issuer in connection with the enrollment of qualified individuals or employees of a qualified employer in a QHP

NCIOM

ACA Requirements for Navigators (1311(i))

- The Secretary will work with states to develop standards to make sure the information made available is fair, accurate and impartial.
- Grants to navigators “shall be made from the operational funds of the Exchange and not Federal funds received by the State to establish the Exchange.”

NCIOM

NPRM: Navigator Requirements (45 CFR 155.210)

- Proposed regulations parallel statutory provisions, except the regulations state that the HBE must provide Navigator grants to *at least two* of the following category of entities:
  - Community and consumer-focused nonprofit groups
  - Trade, industry, and professional associations
  - Commercial fishing industry organizations, ranching and farming organizations
  - Chambers of commerce
  - Unions
  - Resource partners of the Small Business Administration
  - Licensed agents and brokers, and
  - Other public or private entities that meet the requirements of this section (such as Indian tribes, tribal organizations, or state and local human service agencies).

NCIOM

Navigator Funding (45 CFR 155.210)

- Funding may *not* be from federal funds received by the State to establish the HBE.
- However, if the state chooses to permit or require Navigator activities to address Medicaid/CHIP administrative functions (eg, outreach and enrollment), and such functions are performed under a contract or agreement that specifies a method for identifying costs/expenditures related to Medicaid and CHIP activities, the Medicaid/CHIP agency may claim federal funding for the share of expenditures at normal administrative match rate.

NCIOM

HBE Consumer Assistance Tools and Outreach (45 CFR 155.205)

- HBE must operate toll free call center.
- HBE must also maintain an Internet website that:
  - Includes standardized comparative information on QHPs
  - Is accessible to people with disabilities, and must provide meaningful access to people with limited English proficiency
- HBE must conduct outreach and education..

NCIOM

Medicaid Agency Outreach Requirements

- Agency must conduct outreach to vulnerable populations (Sec. 2201)
  - Vulnerable populations include: children, unaccompanied homeless youth, children and youth with special health care needs, pregnant women, racial and ethnic minorities, rural populations, victims of abuse or trauma, individuals with mental health or substance-related disorders, and individuals with HIV/AIDS.

NCIOM

ACA Requirements for Medicaid Assistance

- Medicaid agency must provide assistance to any individual seeking help with the application or redetermination process. (42 CFR 435.908)
- Hospitals can determine presumptive eligibility for all Medicaid populations. (Sec. 2202)
- States may allow certain other providers to make presumptive eligibility determinations. (Sec. 2001(a)(4)(B))
  - Includes FQHCs, RHCs, local health departments

NCIOM

HBE, Medicaid, and CHIP Enrollment Coordination

- If HBE identifies people who are eligible for Medicaid or CHIP, HBE must enroll them into those programs.. (ACA 1311(d)(4)(F))
- State must ensure that people who apply for Medicaid or CHIP, but who are found to be ineligible, are screened for eligibility for enrollment into a QHP and, if applicable, premium assistance, and if eligible, enroll the person into the plan. (ACA 2201, amending 42 USC 1396w-3(b)(1)(C)).

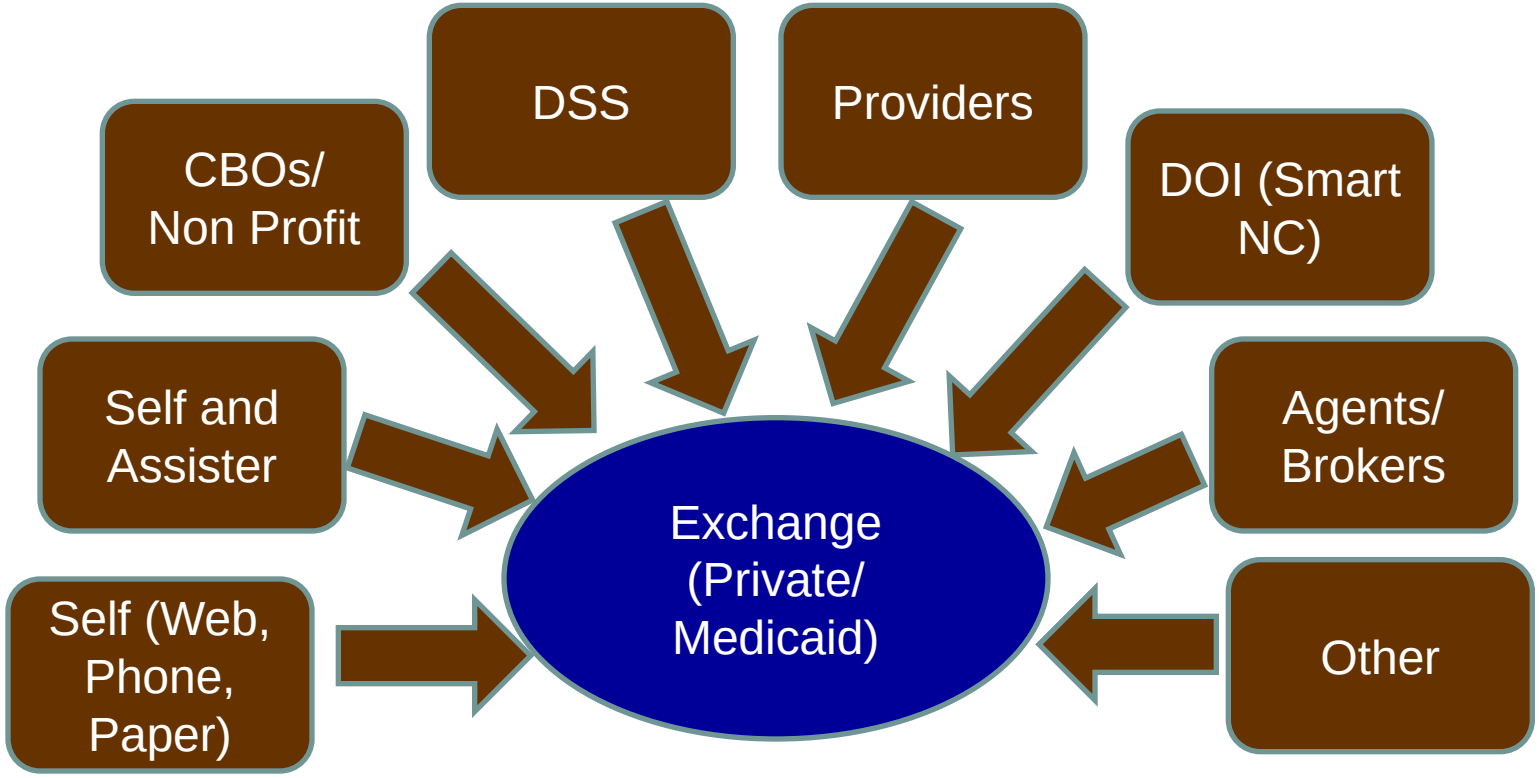
NCIOM

Agenda

- Brief overview of navigators, outreach, enrollment provisions in ACA
- **Review of tentative recommendations for role of navigator in nongroup market**

NCIOM

Different Types of Enrollment Assisters



NCIOM

Different Levels of Consumer Assistance

- General information and outreach
  - Examples: Community groups, individuals, government agencies
- Personal assistance understanding options, using website, enrolling into a plan
  - Informal: friends, neighbors
  - Formal: navigators
- Technical advice selecting plan that is best for the individual/family/small business
  - Licensed agents or brokers

NCIOM

Navigators: Role of Navigator

- What is the role of the navigator?
  - Helping individual/family/small business understand plan options, understand how to access the website, understand insurance concepts so that the individual/family/small business can choose a health plan that is best for them
  - Navigators should *not provide advice* or steer individual/family/small business to particular plan

NCIOM

Navigators: Training and Certification

- What training should be required?
  - Navigators should go through training similar to that required of SHIIP counselors
- Should navigators be certified?
  - Yes, navigators should pass competency exams and be certified (similar to SHIIP)
- Should there be ongoing continuing education requirements (CE)
  - Yes, similar to SHIIP

NCIOM

Navigators: Training and Certification

- Who should develop and administer initial training, certification, and ongoing CE
  - NCDOI in collaboration with HBE
- What is the role of the navigator?
  - Helping individual/family/small business understand plan options, understand how to access the website, understand insurance concepts so that the individual/family/small business can choose a health plan that is best for them
  - Navigators should *not provide advice* or steer individual/family/small business to particular plan

NCIOM

Role of Agents/Brokers

- If agents/brokers want to sell in HBE, they would need to receive training and be certified.
  - Agents/brokers should receive similar training and certification to ensure they understand all the insurance affordability programs (including Medicaid, CHIP, and the advanceable premium tax credit and cost sharing subsidies)
  - Agents/brokers could choose:
    - Either to receive compensation directly from insurers
    - To be paid as navigators (if so, then other restrictions apply)

NCIOM

Navigators: Conflict of Interest

- How do we address conflicts of interest?
  - We should create strong conflict of interest provisions that would preclude any entity (or individual) from serving as a navigator, if they, a member of their family, or the employer of the individual or family member, would derive financial benefit from steering an individual to a particular health plan or health insurer.

NCIOM

Navigators: Conflict of Interest--Providers

- Strong conflict of interest provisions would preclude hospitals, pharmacists, and most other health care providers from serving as official navigators.
  - Nothing would prohibit these organizations or individuals from providing informal assistance—not as an official navigator (eg, steering people to formal navigators, or letting them know about the HBE website).
  - Providers may still want some level of training to understand basic concepts and be able to make proper referrals.

NCIOM

Navigators: Conflict of Interest--Providers

- FQHCs, RHCs, or free clinics may not necessarily be precluded—since FQHCs and RHCs are supposed to be paid the same through different health plans (“no less than Medicaid prospective payment rates), and free clinics are not compensated.
- Certified navigators could be located in providers offices, in order to help people enroll
  - However, these individuals would have to be independent, and could not be employed by provider.
  - Could provider associations meet conflict of interest?

NCIOM

Navigators: Linking Applicants to Navigators

- Would HBE help link potential applicants to navigators (if requested)?
  - Yes, HBE would help link individuals/families/small businesses to trained and certified navigators (if requested)
    - Would also link to agents/brokers who have gone through HBE training
  - Conversely, HBE would not link individuals to other, non-certified, individuals/groups

NCIOM

Navigators: Oversight and Accountability

- What oversight and accountability should be required?
  - Navigators should provide information on numbers of people served and types of services provided
  - State should create a complaint system so people can provide feedback on specific navigators
  - State should establish minimum activity thresholds for navigators (eg, number of one-on-one counseling sessions, number of people who enrolled, number of people from target populations, number of people reached during information and outreach sessions)
  - HBE should track who is providing assistance and what plans people are enrolling in

NCIOM

Navigator Compensation

- How should navigators be paid (if at all)?
  - ACA notes that the HBE should provide “grants” to navigators entities (organizations)
  - May be different ways of compensating navigator entities in the nongroup market and those in the small group market
    - Note: this is an outstanding question because the subcommittee has not fully discussed navigator entities serving the small group market
  - Federal grant funds may not be used for navigator “entities” but may be used for HBE/DOI administrative expenses including creating training and certification requirements, call centers, outreach, and education

NCIOM

Navigator Compensation

- First year, should limit navigator grants to entities that are coordinating the volunteers. Grant should be based on:
  - Base rate (based on proportion of people who are potentially eligible)
  - In following years, grants should include a performance component (eg, number of people helped, complaints generated, etc.) We want to reward behavior we desire.
- Outstanding questions:
  - Could we build small grants into Level II grants to provide outreach grants to different entities (professional association, nonprofits, safety net organizations)
  - The question of whether individual navigators should be compensated would be a question for the HBE Board

NCIOM

Outstanding Questions

- How should the HBE provide outreach, education, and enrollment facilitation to the small group market
  - Who can serve as “navigator” in the SHOP?
  - What is the role of agents/brokers?
  - Compensation for navigators, agents/brokers
- What training, if any, should be offered to other organizations that are not recognized as official navigators?

NCIOM

Outstanding Questions

- How to create a no-wrong door for people applying for any insurance affordability programs
  - What is the role of DSS in helping people enroll in the HBE when a person is determined to be ineligible for Medicaid/CHIP?
  - What is the role of Navigators in helping people enroll into Medicaid and/or CHIP?
- Who will help individuals in the enrollment process if they are required to provide additional information to address conflicting administrative data?

NCIOM