



<b>TO:</b> FFE Steering Committee
<b>FROM:</b> Consumer Assistance Advisory Committee Co-Chairs  <b>Anna Strong MPH, MPS</b> Director of Health Care Policy Arkansas Advocates for Children and Families  <b>Kurt A. Knickrehm</b> Vice President, Employee Benefits Services Regions Insurance  <b>Creshelle R. Nash MD, MPH</b> Consultant, Arkansas Minority Health Commission University of Arkansas for Medical Sciences
<b>SUBJECT:</b> Recommendations from the Consumer Assistance Advisory Committee
<b>COMMITTEE TOPIC: ARKANSAS IN PERSON ASSISTER CERTIFICATION, RECERTIFICATION, DECERTIFICATION</b>
<b>DATE:</b> June 15, 2012

**PART I - RECOMMENDATIONS**

- A. **RECOMMENDATION SUMMARY:** The Consumer Assistance Advisory Committee (CAAC) discussed the topics of Arkansas (AR) In-Person Assister Certification, Recertification, Decertification, the frequency of recertification and also discussed definitions for the term “conflict of interest” and what constitutes “Professionally Accepted Ethical Standards”.

The Steering Committee is being asked to vote on the following recommendations:
1. AR IN PERSON ASSISTER CERTIFICATION STANDARDS
2. AR IN PERSON ASSISTER RE-CERTIFICATION STANDARDS
3. FREQUENCY OF RE-CERTIFICATION
4. AR IN PERSON ASSISTER DE-CERTIFICATION STANDARDS
5. DEFINITION OF CONFLICT OF INTEREST
6. DEFINITION FOR PROFESSIONALLY ACCEPTED ETHICAL STANDARDS



B. **RECOMMENDATION DETAILS:** The Consumer Assistance Advisory Committee provides the following recommendations for the Steering Committee's adoption.

1. **AR IN PERSON ASSISTER CERTIFICATION STANDARDS**

a) **Complete Training:** AR In Person Assistors will be expected to successfully complete state provided training. The training will encompass all areas of knowledge that AR In Person Assistors will be expected to provide to potential enrollees of the exchange, Medicaid, or ARKids First.

b) **Provide Attestations:** A AR In Person Assister applicant will provide the following attestations:

- i. The AR In Person Assister is not a health insurance issuer; subsidiary of a health insurance issuer, or an association that includes members of or lobbies on behalf of the insurance industry health insurance issuer;
- ii. The AR In Person Assister does not receive any direct or indirect payments from any health insurance issuer in connection with the enrollment of any qualified individuals or qualified employees in a Qualified Health Plan (QHP) as explicitly prohibited by Federal law;
- iii. The AR In Person Assister does not receive any compensation of any kind from any other entity for enrolling individuals in health plans;
- iv. Disclosure of any past compensation received from plans, reason for compensation, and whether or not there is a desire to receive future compensation from any plan or insurer in the health care community;
- v. A commitment to full participation in required initial **and** on-going training;
- vi. A commitment that the AR In Person Assister will not provide financial incentives to potential health coverage consumers, such as rebates or giveaways;
- vii. The AR In Person Assister will agree to a criminal background check in accordance with State and Federal rules;
- viii. The AR In Person Assister will agree to put consumer safety first in carrying out the duties of the AR In Person Assister;
- ix. The AR In Person Assister is lawfully present;
- x. The AR In Person Assister is at least 18 years of age;



- xi. The AR In Person Assister can demonstrate basic computer and internet skills or indicate a willingness to learn; and
- xii. The AR In Person Assister can provide references upon request.

## **2. AR IN PERSON ASSISTER RE-CERTIFICATION STANDARDS**

- a) Reaffirmation of the attestations required for initial certification;
- b) Changes to any elements provided in the initial certification process;
- c) Compliance with all state training requirements;
- d) A review of the services provided during the previous year and the performance of the individual AR In Person Assister during that time; and
- e) A review of complaints, the disposition of the complaints, and their resolutions.

## **3. AR IN PERSON ASSISTER RE-CERTIFICATION FREQUENCY**

The CAAC is recommending that recertification occur every two years.

## **4. AR IN PERSON ASSISTER DE-CERTIFICATION STANDARDS**

- a) AR In Person Assister does not meet specific quality and other standards;
- b) AR In Person Assister demonstrates conduct that he/she is not operating within professionally-accepted ethical standards;
- c) There has been a change in status of any of the attestations that result in the AR In Person Assister not meeting requirements for participation; and
- d) Consumer complaints about the AR In Person Assister that were not resolved or corrected.

5. **DEFINITION OF “CONFLICT OF INTEREST”:** Any private or personal interest sufficient to influence or appear to influence the objective exercise of the individual’s official or professional responsibilities.

6. **DEFINITION FOR “PROFESSIONALLY ACCEPTED ETHICAL STANDARDS”**



- a) The AR In Person Assister will treat each consumer with respect, acceptance and dignity;
- b) The AR In Person Assister will not knowingly misrepresent applicant eligibility information;
- c) AR In Person Assister The AR In Person Assister will not knowingly misrepresent his or her capability to act as AR In Person Assister, nor fail to comply with certification standards;
  - i. The AR In Person Assister will **not** provide advice to a consumer that identifies in which QHP or program the consumer should enroll. AR In Person Assisters will discuss the options available and provide impartial information about the distinctions among plans, and only consumers will make decisions regarding in which plan or program to enroll.
- d) The AR In Person Assister will protect the client's right to privacy and confidentiality regarding health and immigration status;
- e) The AR In Person Assister will protect the integrity, safety, and security of client records in compliance with all state and Federal laws;
- f) The AR In Person Assister will provide services without discrimination or preference based on age, ethnicity, culture, race, disability, gender, religion, sexual orientation or socioeconomic status;
- g) The AR In Person Assister will respect individuals and groups, their cultures and beliefs; and
- h) AR In Person Assisters will act with integrity, honesty, genuineness, and objectivity.



**PART II - BACKGROUND AND DISSENTING OPINIONS**

The Consumer Assistance Advisory Committee convened on June 8, 2012, from 1 p.m. to 4 p.m. at the Arkansas Insurance Department. The purpose of the meeting was to make recommendations to the Federally Facilitated Exchange Partnership Steering Committee (“the Steering Committee”) concerning topic area 2 framed as the following:

AR In Person Assister Certification Standards
AR In Person Assister Re -Certification Standards
Frequency of Re-Certification
AR In Person Assister De-Certification Standards
Definition for Conflict of Interest
Definition for Professionally Accepted Ethical Standards

There was general agreement on the process for the certification of individual AR In Person Assisters regarding requirements to include the combination of the provision of information and successful completion of state provided training. There was also general agreement on the re-certification frequency and attestation requirements and decertification requirements, and the definitions for Conflict of Interest and Professionally Accepted Ethical Standards.

The Committee had a long discussion about AR In Person Assister certification attestation elements. The majority of the discussion centered around the following topics:

1. **AR In Person Assister Training** – The discussion was primarily centered around how training would be provided. It was agreed that training should be provided in different forms to allow for maximum participation in the AR In Person Assister program. In addition to face to face training, opportunities for web based training, perhaps through a webinar or computer based training (CBT). There were no dissenting opinions on this topic. Training content is a topic for future discussion.
  
2. **AR In Person Assister residency** – there was discussion regarding whether the AR In Person Assister should be a legal Arkansas resident. After much discussion it was agreed that the AR In Person Assister standards would include those applicants who were lawfully present to provide flexibility for applicants who may be close to the Arkansas border. The AID will take responsibility for discussing this point more thoroughly in house to provide a decision that provides maximum flexibility and maximum participation for the AR In Person Assister program.
  
3. **AR In Person Assister Age requirements:** The discussion was regarding the age of the AR In Person Assister, 18 or 21. It was determined through consensus by committee members that the AR In Person Assister applicant must be at least 18 years of age. Two members of the





committee felt the age should be at least age 21 based on maturity level, however, most committee members agreed that age 18 allowed the most flexibility for reaching younger Arkansas consumers who do not pursue post secondary education.

4. **AR In Person Assister Computer skills:** There was discussion regarding whether the applicant must be adept at basic computer skills in order to be considered for AR In Person Assister certification. After much discussion the committee decided that the applicant must either have basic computer skills or be willing to learn. The AID will consider how to make training available to those AR In Person Assisters who do not have the skill set upon application. Options could include computer based training provided by the AID or training provided through the AR In Person Assister entity for whom the individual AR In Person Assister is employed.
5. **AR In Person Assister References:** Discussion regarding whether references should be a requirement of the certification process. Committee agreed that the option should be left open and be requested at the discretion of the Department.
6. **Requiring AR In Person Assister applicants to disclose whether they are a broker or producer and how they will assure no conflict of interest:** The Committee agreed that the conflict of interest that could impact the certification of brokers and producers is also a request for health care providers and would not be unique to just brokers and producers. The Committee agreed by consensus to not include the requirement and to get a decision from CCIIO on the Federal rules around this possible risk. A question has been submitted to CCIIO for this answer. As of this writing, the Federal government has acknowledged receipt of the question and will get back to us with an answer.
7. **AR In Person Assister Re-Certification Frequency:** It was voted by the Committee to recommend recertification every two years.
8. **AR In Person Assister Re-Certification standards:** Generally the committee agreed with all standards recommended for recertification. There was discussion around the mechanics and operations about how performance would be determined by individual AR In Person Assisters, how individual AR In Person Assisters would be identified, and general agreement that the AID would determine the “how” when determining how to “operationalize” the final standards.
9. **AR In Person Assister Decertification:** The committee was in agreement with all de certification standards recommended to the steering committee.



10. **Conflict of Interest definition:** There was discussion regarding whether the definition was too subjective. After discussion about the definition all committee members agreed to put forward the recommended definition.
  
11. **Recommendations for the definition of Professionally Accepted Ethical Standards:** There was general agreement on the recommended definition for Professionally Accepted Ethical Standards.

### **PART III – NEXT STEPS**

The Consumer Assistance Advisory Committee thanks the Steering Committee for the opportunity to provide recommendations for the successful implementation of the AR In Person Assister Program. We look forward to the Committee’s decisions in this regard.