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| To: FFE Steering Committee |
| From: Cynthia Crone, Exchange Planning Director, Arkansas Insurance Department |
| Subject: Recommendations from the Consumer Assistance Advisory Committee |
| Committee Topic: In-Person Assister Program Goals and In-Person Assister Eligibility |
| Date: May 21, 2012 |

Background:

In order to prepare the State of Arkansas for the Federally Facilitated Exchange (FFE), two committees have been formed to provide public input into the development of the exchange and recommend key informed policy decisions to assist in the decision making of the FFE Steering Committee. The two committees are the Consumer Assistance Advisory Committee (“the Committee”) and the Plan Management committee. This briefing memo focuses on the work of the Consumer Assistance Advisory Committee.

The Committee represents consumers, small businesses, insurance brokers/producers and state agencies.

The Committee has identified seven distinct topic areas that will be the focus of discussions over the next seven months and inform decisions to be made by the FFE Partnership Steering Committee.

They are in consecutive order as follows:

1. Define In-Person Assister eligibility - options and considerations for who can be In-Person Assister organization grant applicants,
2. Set individual In-Person Assister certification and recertification standards and decertification options – federal requirements and other considerations,
3. Determine In-Person Assister Grant Application and Application Review processes,
4. Consider In-Person Assister Program funding options,
5. Consider options to inform decisions on In-Person Assister quality/performance metrics,
6. Assist in defining In-Person Assister training content and methods for ensuring In-Person Assister competency, and;
7. Consider options for on-going monitoring of In-Person Assister functions.

Attached is the In-Person Assister Roadmap which describes topic area content in more detail (Appendix A).

The Consumer Assistance Advisory Committee convened on May 11, 2012, from 1 p.m. to 4 p.m. at the Arkansas Insurance Department. The purpose of the Committee meeting was to make recommendations to the Federally Facilitated Exchange Partnership Steering Committee (“the Steering Committee”) concerning topic area 1 framed as the following two questions:



- 1) In addition to the required responsibilities of In-Person Assisters outlined in the Affordable Care Act (ACA), what additional goals and/or principles does the Committee believe the Arkansas In-Person Assister Program should adopt to guide its' work?
- 2) Given ACA guidance, does the Committee believe that Brokers and Producers should be able to participate as In-Person Assisters?

The Consumer Assistance Advisory Committee provides the following recommendations for the Steering Committee's adoption.

Substance/Summary of Discussion:

Question 1:

- **In addition to the required responsibilities of In-Person Assisters outlined in the Affordable Care Act (ACA), what additional goals and/or principles does the Committee believe the Arkansas In-Person Assister Program should adopt to guide its' work?**

The majority of the Committee's discussion was devoted to identifying principles that will guide the work of the In-Person Assister Program once underway. Committee members agreed on the following recommendations to the Steering Committee for the operation of the In-Person Assister Program.

Recommendations - In-Person Assister Program Goals

The Committee members recommend that the Arkansas In-Person Assister Program have the following Principles and associated goals (ACA requirements in bold):

1. The In-Person Assister Program will be Easy to Use:

The In-Person Assister Program will:

- Be simple in design and understanding, where benefits are easily gleaned by consumers and insurers.

In-Person Assisters will:

- Use plain language, provide consumer with an understanding of Qualified Health Plans available, premium tax credits and cost sharing provisions, understanding of



the differences in metal plans, eligibility and enrollment processes, and understanding of public programs and eligibility

- Ensure that information is relayed in a way that simplifies choices and considers the individual needs of each consumer and their families

2. The In-Person Assister Program will Recruit and Maintain Trained In-Person Assisters:

The In-Person Assister Program will:

- **Maintain expertise in eligibility, enrollment, and program specifications and conduct public education activities to raise awareness about the Exchange;**
- **Provide information and services in a fair, accurate and impartial manner. Such information must acknowledge other health programs;**

In-Person Assisters will:

- Increase awareness of insurance options in a manner that does not stigmatize QHPs,
- Utilize different media to reach different populations; and;
- Utilize state data to target outreach and education efforts.

3. The In-Person Assister Program will Facilitate Enrollment in QHPs and Public Programs

The In-Person Assister Program will:

- **Facilitate enrollment in QHPs;**
- **Provide referrals to any applicable office of health insurance consumer assistance or health insurance ombudsman established under section 2793 of the PHS Act, or any other appropriate State agency or agencies, for any enrollee with a grievance, complaint, or question regarding their health plan, coverage, or a determination under such plan or coverage;**

In-Person Assisters will:

- Be knowledgeable in both public program and private insurance,
- Be trusted sources with current experience working with populations,
- Follow-through and continue efforts to assist the individual in completing the process to obtain insurance, and assist with dispute resolution, post-enrollment.

4. The In-Person Assister Program will Increase and Improve Access



The In-Person Assister Program will:

- **Provide information in a manner that is culturally and linguistically appropriate to the needs of the population being served by the Exchange, including individuals with limited English proficiency, and ensure**

accessibility and usability of In-Person Assister tools and functions for individuals with disabilities in accordance with the Americans with Disabilities Act and section 504 of the Rehabilitation Act

- Increase insurance coverage for underserved, uninsured, and uninformed populations in Arkansas through multiple community strategies, including, but not limited to, the following:
 - a. For individuals:
 - i. Provider organizations (e.g., physicians, hospitals, pharmacies, and other points of care, etc.)
 - ii. Department of Health offices
 - iii. Schools
 - iv. Community sites
 - b. For small businesses:
 - i. Chambers of Commerce
 - ii. Small business associations
 - iii. Information placed on tax documents
 - iv. CPAs
- To improve geographical access statewide for individuals with different needs.

In-Person Assisters will:

- Demonstrate existing relationships or demonstrate ability to form existing relationships with employers and employees, consumers (including uninsured and underinsured consumers), or self-employed individuals likely to be qualified to enroll in a qualified health plan.

5. The In-Person Assister Program will be Transparent and Accountable to the Public:

The In-Person Assister Program will:

- Ensure that there are no conflicts of interest, and, where possible, remove the appearance of conflicts of interest,
- Ensure security and confidentiality of personal information,



- Ensure selected In-Person Assisters are trusted sources of health care coverage information in the communities they choose to serve,
- Provide health insurance options in a way that is fair and impartial and protects Protected Health Information.

In-Person Assisters will:

- Receive no financial consideration directly or indirectly from an insurance company or QHP,
- Demonstrate there is no conflict of interest in providing the full range of services,
- Provide resources or avenues to register complaints and grievances with any service provided through the exchange.

Broker and Producer Participation

- **Given ACA guidance, does the Committee believe that Brokers and Producers should be able to participate as In-Person Assisters?**

The balance of the Committee's time was spent discussing the appropriateness of insurance broker and producer participation in the exchange. This question is being discussed in many states around the country because of the potential conflict of interest or appearance thereof within the exchange. The National Association of Insurance Commissioners has endorsed their participation in accordance with exchange regulations identified in the Research/Alternatives Analysis report attached as Appendix B. After much discussion, the Committee provides the following recommendation to the Steering Committee:

Recommendations – Insurance Broker/Producer Participation in the In-Person Assister Program:

Yes, Brokers and Producers should be allowed to participate in the Arkansas In-Person Assister Program, if they so choose.

The majority of Committee members felt that the benefits that Brokers and Producers could bring to the program – i.e., insurance knowledge, established networks, etc. – far outweighed its disadvantages. Insurance brokers and producers who are In-Person Assisters may not receive commissions for enrolling consumers through the Exchange; however, they can receive commissions when acting as a licensed broker/producer and enrolling consumers through the Exchange if they have not received a grant as a In-Person Assister. Given this regulation, the



question then becomes, why would a broker/producer want to become an In-Person Assister? Another issue raised was whether a broker/producer certified to sell through the Exchange would need to be appointed by all carriers with plans on the Exchange, or could be appointed by a single carrier. These questions will be addressed with CMS and CCIIO in the coming weeks. The Committee has begun a Frequently Asked Questions Document (FAQ) in order to track unresolved questions and record their answers once received.

Dissenting Opinions:

This recommendation was not unanimous. Two Committee members dissented, expressing their discomfort with the recommendation and added that Broker and Producer participation may do harm to consumers' trust that the In-Person Assister Program is unbiased. Further discussion on this topic is likely in the coming months.

Next Steps:

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

Attachments:

Appendix A: In-Person Assister Program Roadmap

Appendix B: Research/Alternatives Analysis report #1

Appendix C: Frequently Asked Questions Document (FAQ)

Appendix D: Parking Lot Items