

Navigator Role and Compensation

August 21, 2012

Essential Questions:

What will be the scope of the Navigator Program?

What criteria will be used to identify Navigator Entities?

What funding model should be developed for the Navigator Program?

How will Navigators be trained and certified with COHBE?

How should COHBE provide oversight to Navigator Entities?

How should COHBE gather feedback from stakeholders and assess needs across the state to inform the development of the Navigator Program?

Goals/Objectives of COHBE:

- Support SB 11-200 intent to increase access, affordability and choice for individuals and small employers purchasing health insurance in Colorado.
- Meet the Exchange implementation timeline.
- Maximize partnerships with stakeholder organizations to promote education around health coverage options and enrollment in health plans.

Applicable law:

Colorado (SB11-200)

“The intent of the Colorado Health Benefit Exchange is to increase access, affordability, and choice for individuals and small employers purchasing health insurance in Colorado.”

“The Exchange shall foster a competitive marketplace for insurance and shall not solicit bids or engage in the active purchasing of insurance.”

Federal

45 CFR Parts 155, 156, and 157

Patient Protection and Affordable Care Act; Establishment of Exchanges and Qualified Health Plans; Exchange Standards for Employers

AGENCY: *Department of Health and Human Services.*

ACTION: *Final rule, Interim final rule.*

§155.210 Navigator program standards.

(a) General Requirements. The Exchange must establish a Navigator program consistent with this section through which it awards grants to eligible public or private entities or individuals described in paragraph (c) of this section.

(b) Standards. The Exchange must develop and publicly disseminate –

- (1) A set of standards, to be met by all entities and individuals to be awarded Navigator grants, designed to prevent, minimize and mitigate any conflicts of interest, financial or otherwise, that may exist for an entity or individuals to be awarded a Navigator grant and to ensure that all entities and individuals carrying out Navigator functions have appropriate integrity; and
- (2) A set of training standards, to be met by all entities and individuals carrying out Navigator functions under the terms of a Navigator grant, to ensure expertise in:
 - (i) The needs of underserved and vulnerable populations;
 - (ii) Eligibility and enrollment rules and procedures;
 - (iii) The range of QHP options and insurance affordability programs; and,
 - (iv) The privacy and security standards applicable under §155.260.

(c) Entities and individuals eligible to be a Navigator.

- (1) To receive a Navigator grant, an entity or individual must –
 - (i) Be capable of carrying out at least those duties described in paragraph (e) of this section
 - (ii) Demonstrate to the Exchange that the entity has existing relationships, or could readily establish relationships, with employers and employees, consumers (including uninsured and underinsured consumers), or self-employed individuals likely to be eligible for enrollment in a QHP;
 - (iii) Meet any licensing, certification or other standards prescribed by the State or Exchange, if applicable;
 - (iv) Not have a conflict of interest during the term as Navigator; and,
 - (v) Comply with the privacy and security standards adopted by the Exchange as required in accordance with §155.260.

- (2) The Exchange must include an entity as described in paragraph (c)(2)
 - (i) of this section and an entity from at least one of the other following categories for receipt of a Navigator grant:
 - (i) Community and consumer-focused nonprofit groups;
 - (ii) Trade, industry, and professional associations;
 - (iii) Commercial fishing industry organizations, ranching and farming organizations;
 - (iv) Chambers of commerce;
 - (v) Unions;
 - (vi) Resource partners of the Small Business Administration;
 - (vii) Licensed agents and brokers; and
 - (viii) Other public or private entities or individuals that meet the requirements of this section. Other entities may include but are not limited to Indian tribes, tribal organizations, urban Indian organizations, and State or local human service agencies.

- (d) Prohibition on Navigator conduct. The Exchange must ensure that a Navigator must not –
- (1) Be a health insurance issuer;
 - (2) Be a subsidiary of a health insurance issuer;
 - (3) Be an association that includes members of, or lobbies on behalf of, the insurance industry; or,
 - (4) Receive any consideration directly or indirectly from any health insurance issuer in connection with the enrollment of any individuals or employees in a QHP or a non-QHP.
- (e) Duties of a Navigator. An entity that serves as a Navigator must carry out at least the following duties:
- (1) Maintain expertise in eligibility, enrollment, and program specifications and conduct public education activities to raise awareness about the Exchange;
 - (2) Provide information and services in a fair, accurate and impartial manner. Such information must acknowledge other health programs;
 - (3) Facilitate selection of a QHP;
 - (4) 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; and
 - (5) 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 Navigator tools and functions for individuals with disabilities in accordance with the Americans with Disabilities Act and section 504 of the Rehabilitation Act.
- (f) Funding for Navigator grants. Funding for Navigator grants may not be from Federal funds received by the State to establish the Exchange.

Patient Protection and Affordable Care Act

SEC. 1311 [42 U.S.C. 1303]. AFFORDABLE CHOICES OF HEALTH BENEFIT PLANS.

- (i) NAVIGATORS. —
- (1) IN GENERAL. — An Exchange shall establish a program under which it awards grants to entities described in paragraph (2) to carry out the duties described in paragraph (3).
 - (2) ELIGIBILITY. —
 - (A) IN GENERAL. — To be eligible to receive a grant under paragraph (1), an entity shall demonstrate to the Exchange involved that the entity has existing relationships, 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 qualified health plan.
 - (B) TYPES. — [As amended by section 10104(h)] Entities described in subparagraph (A) may include trade, industry, and professional associations, commercial fishing industry organizations, ranching and farming organizations, community and consumer-focused nonprofit groups, chambers of commerce, unions, resource partners of the Small Business Administration, other licensed insurance agents and brokers, and other entities that—
 - (i) are capable of carrying out the duties described in paragraph (3);
 - (ii) meet the standards described in paragraph (4); and

- (iii) provide information consistent with the standards developed under paragraph (5).
- (3) DUTIES.—An entity that serves as a navigator under a grant under this subsection shall—
- (A) conduct public education activities to raise awareness of the availability of qualified health plans;
 - (B) distribute fair and impartial information concerning enrollment in qualified health plans, and the availability of premium tax credits under section 36B of the Internal Revenue Code of 1986 and cost-sharing reductions under section 1402;
 - (C) facilitate enrollment in qualified health plans;
 - (D) provide referrals to any applicable office of health insurance consumer assistance or health insurance ombudsman established under section 2793 of the Public Health Service 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; and
 - (E) provide information in a manner that is culturally and linguistically appropriate to the needs of the population being served by the Exchange or Exchanges.
- (4) STANDARDS.—
- (A) IN GENERAL.—The Secretary shall establish standards for navigators under this subsection, including provisions to ensure that any private or public entity that is selected as a navigator is qualified, and licensed if appropriate, to engage in the navigator activities described in this subsection and to avoid conflicts of interest. Under such standards, a navigator shall not—
 - (i) be a health insurance issuer; or
 - (ii) receive any consideration directly or indirectly from any health insurance issuer in connection with the enrollment of any qualified individuals or employees of a qualified employer in a qualified health plan.
- (5) FAIR AND IMPARTIAL INFORMATION AND SERVICES.—The Secretary, in collaboration with States, shall develop standards to ensure that information made available by navigators is fair, accurate, and impartial.
- (6) FUNDING.—Grants under this subsection shall be made from the operational funds of the Exchange and not Federal funds received by the State to establish the Exchange.

Recommendations:

In the last couple months COHBE staff conducted research, key informant interviews and solicited stakeholder input from advisory groups about how to develop a Navigator program that best addresses the needs of Colorado. The COHBE Individual Experience and SHOP Advisory Groups met on several occasions to discuss definitions of Navigators, the scope of Navigator duties, selection criteria, training and certification standards, and funding approaches.

The advisory groups came to consensus on the following areas and COHBE requests the Board take action on these guiding principles to inform the next level of program development:

Scope

1. The Navigator Program, Navigator Entities and people serving as Navigators should be clearly defined.

Navigator Program

The state-wide program charged with overseeing the selection, funding, training and oversight of navigator entities.

Navigator Entities

Organizations that meet specific criteria and receive funding through the Navigator Program.

Navigators

Navigators are persons authorized to: educate consumers across the state about health coverage options available in Colorado, answer questions related to coverage options and the application process for state medical programs and cost-sharing assistance, and help facilitate the enrollment process.

2. Certified Navigator entities will be expected to have the capacity to provide both education and enrollment services to their target populations. Some Navigator Entities should be expected to provide application assistance for state medical programs in their community and be familiar with PEAK.

3. Partnerships between organizations across the state that already provide **education/outreach services** related to promoting health coverage should be pursued to to expand the reach of the Exchange. These type of organizations **will not be certified navigators**, but could be called “education and outreach assistants” or another term.

Selection Criteria

4. Navigator Entities should be diverse and geographically dispersed across the state. The advisory groups did not exclude any type of organization that could potentially serve as a Navigator Entity beyond what is required in regulation as long as they could show they have the capacity to provide education and enrollment assistance.

Funding Model

5. A competitive grant process would be a good approach to use in the selection of navigator entities and it should include a framework for measuring outcomes that include quality and quantitative metrics.
6. This grant-based model to fund the initial establishment of Navigator Entities could be financed through foundation support initially. Some Federal grant money should be used to develop the Navigator program, including training and certification material needs. Ongoing financial sustainability of the Navigator Program should be evaluated continuously to determine how revenue from COHBE could be designated to support Navigator entities around the state and shift away from a foundation-only funding model.
7. There was support for offering grants of different amounts to Navigator Entities depending on what they do - if they are certified enrollment grantees, assistors or education/outreach groups. Initial grants will likely be larger for Navigator Entities to build up their systems.
8. The grant system should consider needs of Colorado including:
 - Regional coverage,
 - Meeting the needs of consumers new to insurance, diverse groups, and people who were previously uninsured due to denial of coverage because of preexisting conditions,
 - Be culturally competent,
 - Include grantees who can provide outreach in different ways (i.e. language access, people with disabilities, reach LGBT community, etc).

Training and Certification

9. There should be one centralized training program for all Navigator Entities to ensure consistent and standardized training across the state. Education and Outreach assistors should also be encouraged to participate in training.
10. Under the umbrella of the statewide Navigator program, COHBE should develop training for Navigators in the Individual Exchange and the SHOP Exchange. The Individual Experience Advisory Group thought flexibility should be given to Navigator Entities to apply to serve both the SHOP and Individual Exchanges or just one. The SHOP Advisory Group proposed a model where Navigator Entities would be required to have staff that are cross-trained to answer questions and facilitate enrollment in the SHOP and Individual Exchange and also have people trained as Navigators to serve just the SHOP or Individual Exchange. No formal action was taken on this model.
11. Navigator Entities should be expected to complete ongoing education, especially as the Exchange changes.
12. Training should include considerations for cultural needs throughout the state – some Navigator entities must have people who speak different languages or access to a language line and can accommodate people with disabilities.
13. There was a clear preference to keep Navigator Entity certification with the Exchange, not with the Division of Insurance (DOI).

Oversight

14. There should be ongoing oversight of Navigators Entities to determine whether they are meeting consumer expectations, as well as enrolling individuals.
15. COHBE should align with industry best standards around ensuring Navigator Entities have conducted background checks on employees serving as Navigators and properly train their Navigators about how to handle confidential matters related to taking personal info (e.g. SSNs).
16. Evaluation of Navigator Entities should be conducted quarterly during the initial implementation of the Exchange.

Ongoing stakeholder feedback and assessment of needs

17. COHBE should continue to assess needs throughout Colorado to inform the development of the Navigator program that incorporates feedback from stakeholders and the Board. The Colorado Consumer Health Initiative (CCHI), Colorado Public Interest Research Group (CoPIRG), and the Colorado Center on Law and Policy (CCLP) have conducted a survey to better understand the consumer assistance/navigation services currently being provided across Colorado, how those services might be impacted by the implementation of the COHBE in the fall of 2013, and what resources organizations may need if they apply to serve as Navigator Entities. The results from this survey will also be used to inform the next level of program development.

These guiding principles are also subject to any forthcoming guidance from HHS.