

# Compensation – Tips for Making Sure You Get Paid

July 2019



# Disclaimer

*The information provided in this presentation is intended only as a general informal summary of technical legal standards. It is not intended to take the place of the statutes, regulations, and formal policy guidance that it is based upon. This presentation summarizes current policy and operations as of the date it was presented. Links to certain source documents have been provided for your reference. We encourage audience members to refer to the applicable statutes, regulations, and other interpretive materials for complete and current information about the requirements that apply to them.*

*This document generally is not intended for use in the State-based Marketplaces that do not use HealthCare.gov for eligibility and enrollment. Please review the guidance on our Agents and Brokers Resources webpage (<http://go.cms.gov/CCIIOAB>) and [Marketplace.CMS.gov](http://Marketplace.CMS.gov) to learn more.*

*Unless indicated otherwise, the general references to “Marketplace” in the presentation only includes Federally-facilitated Marketplaces (FFMs) and State-based Marketplaces on the Federal Platform.*

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# AGENDA

- Review of FFM Policy on Agent and Broker Compensation
- How to Instruct Consumers to Insert Your National Producer Number (NPN) on FFM Applications
- How to Ensure You Get Credit for Assisting with Annual Re-enrollments
- How to Include Your NPN on Applications Submitted or Updated Through the Marketplace Call Center
- Summary and Key Points

# **Review of FFM Policy on Agent and Broker Compensation**

# Compensation for FFM Enrollments

- The FFM does not set compensation levels or pay commissions to agents or brokers.
- Agents and brokers who participate in the FFM receive compensation directly from affiliated qualified health plan (QHP) issuers in accordance with their agreements with those issuers and any applicable state-specific requirements.
- Unlike the Centers for Medicare & Medicaid Services (CMS) Medicare Advantage program, the FFM does not set the compensation levels that QHP issuers pay to agents and brokers.
- Compensation includes commissions, fees, or other incentives as established in the relevant contract between an issuer and the agent or broker.

# Working with QHP Issuers

- Commissions are a contractual matter between you and the issuer.
- The FFM does not play a role in making appointments between issuers and agents and brokers, and is not a party to the contract between the QHP issuer and the agent or broker.
- To become appointed with a particular QHP issuer, you should:
  - Contact the QHP issuer directly or work with a general agency who has an appointment with a QHP issuer, and
  - Work with your affiliated issuers to determine how commissions will be paid based on the NPN included on the FFM enrollment transaction (known as the “834”).

Agent and broker contact information for many QHP issuers may be found using the [Private Partner Enrollment and Client Management Capabilities Directory](#).

## Working with QHP Issuers (Continued)

- To get compensated for actively assisting a consumer with enrollment in an FFM QHP, you must:
  - Be licensed with an active health-related line of authority in the state(s) where the QHP is offered;
  - Be appointed with the QHP issuer in accordance with state law; and
  - Have completed FFM registration (including required training) for the applicable plan year at the time of enrollment.
- Issuers use the publicly accessible [Agent and Broker FFM Registration Completion List](#) to confirm your registration status for the applicable plan year.

Only those who have completed FFM registration at the time of enrollment may be compensated for that enrollment.

## Working with QHP Issuers (Continued)

Issuers have discretion as to whether to compensate you if you do not have an appointment at the time you assisted with an enrollment, but you otherwise comply with applicable federal and state requirements.

Compensation is solely at the discretion of QHP issuers; some issuers may not compensate you for assisting consumers with some or all enrollments in FFM QHPs.



## Working with QHP Issuers (Continued)

- CMS expects an issuer would pay commissions to an agent or broker who is compliant with state and federal standards, according to the terms of the compensation arrangement, if:
  - The agent's or broker's NPN is included on the 834, or
  - It is determined from the issuer's or agent's/broker's records that the agent or broker did in fact assist the consumer with an FFM enrollment but the NPN was erroneously left off of the 834.
- Such records may include a consent form from the consumer, an issuer's broker of record form, or similar documentation that demonstrates the consumer was the agent's or broker's client for the enrollment in question.

Note: If you have reason to believe that your NPN (or agency/brokerage NPN) should have been included on a consumer's FFM enrollment transaction, but it was not, you should contact the respective QHP issuer directly to discuss the situation.

# QHP Issuer Marketing Practice Requirements

## Equivalence

- A QHP issuer must pay the same compensation for QHPs offered through the FFM as it does for similar health plans offered in the state, but outside the FFM (see [45 CFR § 156.200\(f\)](#)).
- If you have evidence QHP issuers are not compensating agents and brokers inside and outside the FFM the same, send these concerns, along with supporting documentation, to the Agent/Broker Email Help Desk at [FFMProducer-AssisterHelpDesk@cms.hhs.gov](mailto:FFMProducer-AssisterHelpDesk@cms.hhs.gov).

# QHP Issuer Marketing Practice Requirements (Continued)

## Prohibition on Discriminatory Marketing Practices

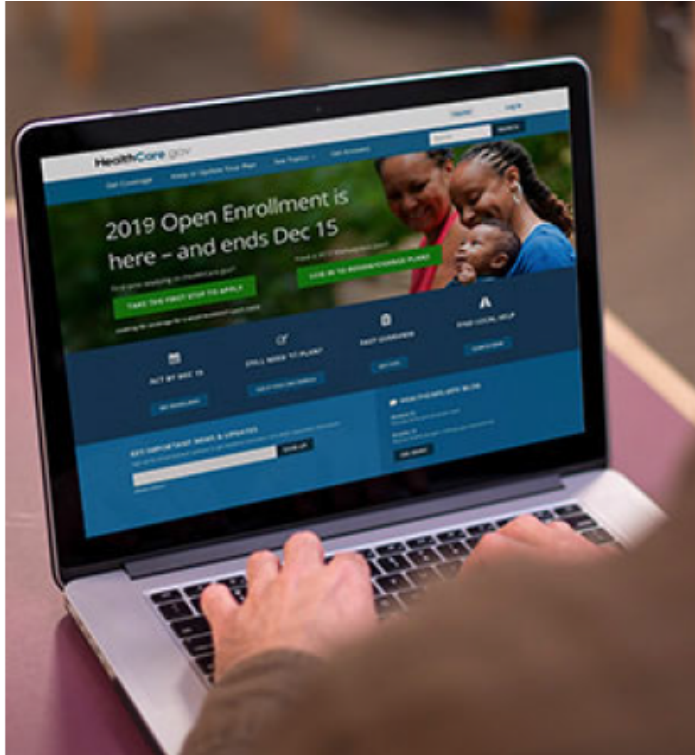
- QHP issuers are prohibited from adopting marketing practices that have the effect of discouraging enrollment of consumers with significant health needs (see [45 CFR § 147.104\(e\)](#) and [45 CFR § 156.225\(b\)](#)).
  - This prohibition extends to agent/broker compensation arrangements (e.g., paying lower commission for higher plan categories, like Platinum and Gold plans, that are associated with higher utilization).
- If you have evidence an issuer's FFM compensation arrangement or marketing practices are discriminatory, contact CMS at [marketconduct@cms.hhs.gov](mailto:marketconduct@cms.hhs.gov) or your state Department of Insurance. Include documentation that describes the compensation structure or other practice in question.
- See [this resource](#) for additional guidance on FFM compensation and marketing.

# **How to Instruct Consumers to Insert Your NPN on FFM Applications**

# Creating or Updating an Application on HealthCare.gov (Marketplace Pathway)

- The consumer logs directly into the HealthCare.gov site, using his or her own HealthCare.gov user account.
- After the consumer logs in, you will work with the consumer to assist with completion of the eligibility application and plan selection.
- In the eligibility portion of the application, the consumer is prompted to enter your name and NPN on the application to indicate that you assisted him or her.
- You should provide this information to the consumer and help ensure that the consumer correctly fills the information in.
- This is important for receiving your compensation from issuers with whom you have a contractual relationship, if applicable.

# Entering Your NPN in the HealthCare.gov Application



- Through the HealthCare.gov application screens, consumers will be able to indicate if a professional, such as an agent or broker, Navigator, certified application counselor, or other assister, has helped them complete the application.
- When you assist consumers, the HealthCare.gov “**Application Help**” section is where they will enter your name and NPN.

Note: You or your client **must** enter your NPN when completing the Application Help page of the application. If the eligibility portion of the application has not been completed, you or the consumer should be able to navigate backwards in the application to get back to the section where you or the consumer can enter your NPN.

# Navigating and Completing the HealthCare.gov Application Help Screen

- The HealthCare.gov “Application Help” screen gives consumers the ability to list multiple entities or individuals who provided assistance (e.g., an agent or broker and a Navigator).
- Make sure your client checks the “Agent or Broker” box on this screen.

HealthCare.gov

[← Back](#)

## Application help

**Is a professional helping you complete your application?**  
If a family member or friend is helping you, select “No.”  
[Learn about professionals who can help with your application.](#)

Yes  
 No

**Which type of professional is helping you?**  
Select all that apply.

Navigator  
 Certified application counselor  
 Agent or Broker  
 Other assister

# HealthCare.gov Application Screen

- This will produce a new set of fields, including one labeled “National Producer Number,” which is where your client should enter your NPN to indicate that you assisted him or her with this application.
- If a non-agent/broker has previously helped a consumer and the application allows more than one entry point, do not remove the non-agent’s/broker’s information without the consumer’s consent. Only agent/broker information is sent to issuers.
- While consumers can indicate if multiple professionals assisted them, they can still only identify one agent or broker.

## Tell us about the navigator.

First name

Middle initial  
Optional

Last name

Suffix  
Optional

Organization name  
Optional

ID number  
Optional

## Tell us about the agent or broker.

First name

Middle initial  
Optional

Last name

Suffix  
Optional

**National Producer Number (NPN)**

[Save and continue](#)



# HealthCare.gov Application Screen (Continued)

- Some consumers may experience a different application flow and will see a screen with the heading “Help applying for coverage” and the instruction to “Tell us if you’re getting help from one of these people.”
- Your client should select “Agent or Broker” and proceed to confirm or enter your name and NPN and other relevant information in the fields that display on this screen to indicate that you provided assistance.

Application ID: 107244483

GET STARTED

- ✓ Privacy policy
- ✓ Contact information
- 3 Help applying for coverage**
- 4 Help paying for coverage
- 5 Who needs coverage

FAMILY & HOUSEHOLD

ADDITIONAL INFORMATION

REVIEW & SIGN

## Help applying for coverage

Tell us if you're getting help from one of these people

Navigator

Certified application counselor

Non-Navigator assistance personnel

Agent or broker

None of these people

First name  Middle optional  Last name  Suffix optional

Organization name optional  ID number optional

FFM User ID optional  NPN number

**SAVE & CONTINUE**

# HealthCare.gov Application Screen (Continued)

- If the consumer is re-enrolling and entered a different agent's or broker's NPN for the prior plan year, the screen will be pre-populated with that agent's or broker's NPN.
- The consumer should update all information that is pre-populated (such as the agent's or broker's name and NPN) as appropriate.
- Only consumers should remove or update information on their HealthCare.gov applications.

Note: Do not forget to ask your clients to include your NPN. This is a critical step in completing the application in order for you to receive compensation for the enrollment.

# **How to Ensure You Get Credit for Assisting with Annual Re-enrollments**

# Get Credit for Assisting with Re-enrollments

- Having your NPN on your clients' FFM re-enrollment applications will ensure issuers can identify you as assisting consumers with re-enrollments in order to pay commissions.
- The following slides review the instructions for ensuring your NPN is included on the re-enrollment transaction for various enrollment scenarios, including:
  - Active re-enrollment via the Marketplace Pathway (HealthCare.gov)
  - Active re-enrollment via a Direct Enrollment Pathway (Classic or Enhanced)

# Active Re-enrollment via the Marketplace Pathway: Ensure Your NPN is on the Client's Application

- Your client should log in to his or her existing HealthCare.gov account to access the pre-populated application for the applicable plan year.
- Your client should then select the **Report a Life Change** option to update the client's eligibility information and plan selection.
- When prompted, the client should enter or update your name and NPN on the eligibility application.
- This action will ensure your information will persist on the enrollment transaction.

2018 application for Individuals & Families (ID#: 144883330)

My plans & programs  
My plan profile  
Eligibility & appeals  
Applications details  
**Report a life change**  
Communication preferences  
Exemptions  
Tax forms

MY COVERAGE

**My plans & programs**  
Blue Cross and Blue Shield of NC  
Blue Value 6650 (limited network, HSA eligible)  
Carol and Carolina  
Status: Initial Enrollment

**PAY YOUR FIRST PREMIUM**

Remind your clients to make sure your name and NPN stays on their re-enrollment application if they access it through HealthCare.gov on their own. If your NPN is not entered, you may not receive credit for the re-enrollment.

# Active Re-enrollment via a Direct Enrollment Pathway (Classic or Enhanced)

- If you are affiliated with a QHP issuer or web-broker that offers a Direct Enrollment Pathway, your name and NPN are typically automatically transmitted electronically to the issuer when the consumer's re-enrollment is submitted in accordance with how the Direct Enrollment account was set up by the respective issuer or web-broker.
- After you log in to the pathway, use the Agent/Broker Application Search Tool to search for and help your client access his or her pre-populated application for the applicable plan year.
- Once your client's pre-populated application is located, assist the client in selecting the **Report a Life Change** option to update his or her eligibility information and plan selection for the upcoming year.

# Active Re-enrollment via a Direct Enrollment Pathway (Classic or Enhanced) (Continued)

- You can use a Direct Enrollment Pathway to assist a client in re-enrolling if that person used the Marketplace Pathway (HealthCare.gov) to enroll in a previous plan year.
- As a best practice, you should enter or update your name and NPN on your clients' re-enrollment applications when prompted.



## Passive Re-enrollment via BAR

- If a consumer whom you assisted previously does not make an active plan selection prior to the December 15 deadline, CMS will automatically re-enroll that individual in either the same plan or an alternate plan selected by the FFM via the Batch Auto Re-enrollment (BAR) process.
- For all BARs, CMS transfers the NPN associated with the consumer's prior application to the issuer via the enrollment transaction.
- The issuer will check the NPN listed on the application and the [Agent and Broker FFM Registration Completion List](#) for the applicable plan year to verify registration with the FFM at the time of the prior enrollment.



# **How to Include Your NPN on Applications Submitted or Updated Through the Marketplace Call Center**

# Enrollment or Active Re-enrollment via the Marketplace Call Center

- Certain complex consumer situations may require you and your client to seek support from the Marketplace Call Center to complete an enrollment or re-enrollment.
- The following slides review the instructions for ensuring your NPN is included on enrollment or re-enrollment transactions involving the Marketplace Call Center, including by:
  - Conducting a three-way call with your client and the Marketplace Call Center
  - Having your client authorize you to work with Marketplace Call Center on his or her behalf
  - Having your client contact the Marketplace Call Center without you

Note: Marketplace Call Center Representatives will not provide you any information about a consumer's application if the consumer is not part of a three-way call or has not previously authorized you to work on his or her behalf.

# Enrollment or Active Re-enrollment via the Marketplace Call Center: Three-Way Call

- You may conduct a three-way toll-free call with your client and the Marketplace Call Center (1-800-318-2596 or TTY: 1-855-889-4325).
- During this call, your client should instruct the Marketplace Call Center to include your full name and NPN on the enrollment or re-enrollment transaction.

# Enrollment or Active Re-enrollment via the Marketplace Call Center: Consumer Authorization

- Consumers can contact the Marketplace Call Center to authorize you to access their information and work with the Call Center's Customer Service Representatives on their behalf for up to 365 days.
- This FFM authorization is not the same as ensuring your NPN is on the consumer's application for purposes of receiving compensation from affiliated QHP issuers.
- Once authorized, you should instruct the Call Center Representative to include your full name and NPN on the enrollment transaction.
- Consumers who want to provide you with this type of access should:
  - Provide the Marketplace Call Center with your full name and NPN
  - Complete the authorization prior to the start of Open Enrollment
  - Call the Marketplace Call Center every 365 days to reauthorize your access

# Enrollment or Active Re-enrollment via the Marketplace Call Center: Consumer Only

- If a client you are assisting calls the Marketplace Call Center without you to complete an enrollment, he or she should instruct the Call Center Representative to include your full name and NPN on the enrollment transaction.
- When a client that you previously assisted uses the Marketplace Call Center to update his or her application during the year, your NPN stays with the application unless the consumer (or his or her legal representative) actively removes or changes it, or requests that the Call Center Representative change the agent or broker of record on the application.
- Marketplace Call Center Representatives will not remove your NPN from an application unless requested by the consumer or his or her legal representative.

Even if there is a previous authorization/NPN record, instruct your client to always provide your information if a Marketplace Call Center Representative asks if anyone helped him or her.

# Summary and Key Points

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- The FFM does not set compensation levels or pay commissions to agents or brokers.
- Agents and brokers who participate in the FFM receive compensation directly from affiliated QHP issuers in accordance with their agreements with those issuers and any applicable state-specific requirements.
- To be eligible for an issuer to compensate you for actively assisting a consumer with enrollment in an FFM QHP, you must appear on the Registration Completion List.
- During the eligibility portion of the HealthCare.gov application using the Marketplace Pathway, your clients should indicate that you have helped them complete the application by entering your name and NPN.
- If you are using the Classic or Enhanced Direct Enrollment Pathways, your name and NPN are typically automatically transmitted electronically to the issuer when the consumer's enrollment or re-enrollment is submitted.
- Your clients should always instruct the Marketplace Call Center to include your full name and NPN on any enrollment or re-enrollment transactions.

# Acronym Definitions

Acronym	Definition
BAR	Batch Auto Re-enrollment
CMS	Centers for Medicare & Medicaid Services
FFM	Federally-facilitated Marketplace
NPN	National Producer Number
QHP	Qualified Health Plan



## Additional Resources

For additional information about the Marketplace Agent and Broker Program, please visit <http://go.cms.gov/CCIIOAB>