

# Certified Application Counselor - Application



First Name	Last Name	Middle Name (optional)	Suffix
------------	-----------	------------------------	--------

Legal Name

<input type="checkbox"/> California Driver's License Number or <input type="checkbox"/> California ID number	Number:
--	---------

Email Address

Primary Phone Number:	Secondary Phone Number:
-----------------------	-------------------------

Preferred Method of Communication:

Email       Primary Phone       Mail

Is this individual Covered California Certified? <input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, Pre-affiliated Entity Name:	If Yes, CEC or CAC Certification #:
--	-------------------------------------	-------------------------------------

Sites served by this individual:

Street Address	Suite
----------------	-------

City	State	Zip Code
------	-------	----------

Spoken Languages:

<input type="checkbox"/> Arabic	<input type="checkbox"/> English	<input type="checkbox"/> Khmer	<input type="checkbox"/> Russian	<input type="checkbox"/> Vietnamese
<input type="checkbox"/> Armenian	<input type="checkbox"/> Farsi	<input type="checkbox"/> Korean	<input type="checkbox"/> Spanish	<input type="checkbox"/> Other (specify):
<input type="checkbox"/> Cantonese	<input type="checkbox"/> Hmong	<input type="checkbox"/> Mandarin	<input type="checkbox"/> Tagalog	_____

Written Languages:

<input type="checkbox"/> Arabic	<input type="checkbox"/> Farsi	<input type="checkbox"/> Korean	<input type="checkbox"/> Tagalog	<input type="checkbox"/> Other (specify):
<input type="checkbox"/> Armenian	<input type="checkbox"/> Hmong	<input type="checkbox"/> Russian	<input type="checkbox"/> Traditional Chinese Characters	_____
<input type="checkbox"/> English	<input type="checkbox"/> Khmer	<input type="checkbox"/> Spanish	<input type="checkbox"/> Vietnamese	_____

## Certified Application Counselor - Agreement

This Agreement is made between the State of California, acting by and through the California Health Benefit Exchange, hereafter referred to as the “Exchange” and \_\_\_\_\_ an individual hereafter referred to as “Certified Application Counselor.”

### **A. Purpose:**

The mission of the Exchange is to increase the number of insured Californians, improve health care quality, lower costs, and reduce health disparities through an innovative, competitive marketplace that empowers consumers to choose the health plan and providers that give them the best value.

Accordingly, the purpose of this agreement is to secure the services of Certified Application Entity to help facilitate to enrollment and retention of Consumers into the subsidized and unsubsidized Qualified Health Plans offered by the Exchange and other insurance affordability programs.

### **B. Definitions:**

1. **Certified Application Counselor:** An individual certified by the Exchange and affiliated with a Certified Application Entity pursuant to Section 6856 to provide the duties specified in Section 6864 of Article 11 in the California Code of Regulations.
2. **Certified Application Entity:** An organization registered by the Exchange pursuant to Section 6854 of Article 11 in the California Code of Regulations with affiliated individuals serving as Certified Application Counselors.
3. **Consumer:** A person seeking information on eligibility and enrollment or seeking application assistance with a health insurance or health related product available through the Exchange. The term consumer includes, but is not limited to, an applicant, an application filer, authorized representative, employer, qualified employee, qualified employer, qualified individual, small employer, or enrollee as defined in Section 6410 Title 10, of the California Code of Regulations.
4. **Insurance Affordability Program:** A Program that is one of the following:
  - (1) Medi-Cal
  - (2) Children’s Health Insurance Program (CHIP)
  - (3) Advance Premium Tax Credit (APTC)
  - (4) Cost-Sharing Reduction (CSR)
  - (5) A State’s basic health program
5. **Qualified Health Plans (QHPs):** QHP has the same meaning as that term is defined in Patient Protection and Affordable Care Act Section 1301, 42 U.S.C. 18021. For purposes of this Agreement, QHPs shall be limited to plans made available through

## Certified Application Counselor - Agreement

6. the Exchange on the individual market.

### **C. Roles and Responsibilities**

(a) Certified Application Counselors shall perform the following functions:

- (1) Provide information to individuals and employees about the full range of QHP options and insurance affordability programs for which they are eligible, which includes providing fair, impartial, and accurate information that assists consumers with submitting the eligibility application; clarifying the distinctions among health coverage options, including QHPs; and helping consumers make informed decisions during the health coverage selection process;
- (2) Assist individuals and employees in applying for coverage in a QHP through the Exchange and for insurance affordability programs; and
- (3) Help to facilitate enrollment of eligible individuals into QHPs and insurance affordability programs;
- (4) Comply with the privacy and security requirements in 45 C.F.R. § 155.260;
- (5) Act in the best interest of the applicants assisted;
- (6) Either directly or through an appropriate referral to assistance personnel certified pursuant to Article 8 of this Chapter, provide information in a manner that is accessible to individuals with disabilities, as defined by the Americans with Disabilities Act, as amended, 42 U.S.C. 12101 et seq. and section 504 of the Rehabilitation Act, as amended, 29 U.S.C. 794; and
- (7) Ensure that voter registration assistance is available in compliance with section 6462 of Article 4 of this Chapter; and
- (8) Comply with any applicable federal or state laws and regulations.

(b) Prior to receiving access to any consumer's personally identifiable information as defined in section 6650, the Certified Application Counselor shall:

- (1) Inform the consumer that the Certified Application Counselor must obtain his or her authorization prior to accessing any personally identifiable information;
- (2) Inform each consumer of the roles and responsibilities of the Certified Application Counselor as set forth in section 6864;
- (3) Obtain oral or written authorization from the consumer to access the consumer's personally identifiable information;
  - (A) Written authorization shall contain a consumer's signature and a written attestation completed by the Certified Application Counselor affirming under penalty of perjury that the Certified Application Counselor:
    1. Is a Certified Application Counselor affiliated with a Certified Application Entity;
    2. Conveyed all the information required under this subdivision to the consumer in a language and manner which he or she understands; and

## Certified Application Counselor - Agreement

3. Obtained written authorization from the consumer consenting to the release of his or her personally identifiable information as defined in Article 8 in order to fulfill the duties as described in section 6864.
- (B) Oral authorization shall be accompanied by a written attestation completed by the Certified Application Counselor affirming under penalty of perjury that the Certified Application Counselor:
1. Is a Certified Application Counselor affiliated with a Certified Application Entity;
  2. Conveyed all the information required under this subdivision to the consumer in a language and manner which he or she understands; and
  3. Obtained oral authorization from the consumer consenting to the release of his or her personally identifiable information in order to fulfill the duties as described in section 6864.
- (4) Inform the consumer that the Certified Application Counselor cannot choose a health insurance plan on the consumer's behalf;
  - (5) Inform the consumer that the Certified Application Counselor will provide the consumer with information regarding the health insurance options and insurance affordability programs for which he or she may be eligible;
  - (6) Inform the consumer that his or her personally identifiable information will be kept private and secure in accordance with the standards set forth in § 45 C.F.R. 155.260;
  - (7) Inform the consumer that if the Certified Application Counselor cannot assist the consumer, he or she will refer the consumer to another Certified Application Counselor or the Covered California Call Center;
  - (8) Inform the consumer that the Certified Application Counselor will not charge a fee in exchange for performing the duties described in section 6864;
  - (9) Inform the consumer that the assistance is based only on the information provided by the consumer, and if the information given is inaccurate or incomplete, the Certified Application Counselor may not be able to offer assistance;
  - (10) Inform the consumer that the authorization set forth in section 6864 (b)(3) may be revoked at any time; and
  - (11) Maintain a record of such authorization for a minimum of six (6) years.
- (c) Certified Application Counselors shall include the following in a consumer's application to the Exchange:
- (1) Name and certification number of the Certified Application Counselor;
  - (2) Name of the Certified Application Entity and the Certified Application Entity Number; and
  - (3) Signature and date of signature by the Certified Application Counselor.

## Certified Application Counselor - Agreement

- (d) If any of the information listed in subdivision (c) of this section is not included on the consumer's original application, it may not be added at a later time.
- (e) Certified Application Counselors shall wear the badge issued by the Exchange at all times when performing duties under section 6864.
- (f) Certified Application Entities must maintain a physical presence in the state of California so that face-to-face assistance can be provided to applicants and enrollees.
- (g) Certified Application Entities shall maintain a registration process and method to track the performance of Certified Application Counselors.
- (h) To ensure that information provided as part of any Consumer Assistance is culturally and linguistically appropriate to the needs of the population being served, including individuals with limited English proficiency as required by 45 C.F.R. §§ 155.205(c)(2) and 155.225, Certified Application Entities and Certified Application Counselors shall:
  - (1) Develop and maintain general knowledge about the racial, ethnic, and cultural groups in their service area, including each group's diverse cultural health beliefs and practices, preferred languages, health literacy, and other needs;
  - (2) Collect and maintain updated information to help understand the composition of the communities in the service area, including the primary languages spoken;
  - (3) Provide consumers with information and assistance in the consumer's preferred language, at no cost to the consumer, including the provision of oral interpretation of non-English languages and the translation of written documents in non-English languages when necessary to ensure meaningful access. Use of a consumer's family or friends as oral interpreters can satisfy the requirement to provide linguistically appropriate services only when requested by the consumer as the preferred alternative to an offer of other interpretive services;
  - (4) Provide oral and written notice to consumers with limited English proficiency informing them of their right to receive language assistance services and how to obtain them;
  - (5) Receive ongoing education and training in culturally and linguistically appropriate service delivery; and
  - (6) Implement strategies to recruit, support, and promote a staff that is representative of the demographic characteristics, including primary languages spoken, of the communities in their service area.
- (i) To ensure that Consumer Assistance is accessible to people with disabilities, Certified Application Entities and Certified Application Counselors shall:
  - (1) Ensure that any consumer education materials, Web sites, or other tools utilized for Consumer Assistance purposes are accessible to people with disabilities, including those with sensory impairments, such as visual or hearing impairments, and those with mental illness, addiction, and physical, intellectual, and developmental disabilities;

## Certified Application Counselor - Agreement

- (2) Provide auxiliary aids and services for individuals with disabilities, at no cost, where necessary for effective communication. Use of a consumer's family or friends as interpreters can satisfy the requirement to provide auxiliary aids and services only when requested by the consumer as the preferred alternative to an offer of other auxiliary aids and services;
  - (3) Provide assistance to consumers in a location and in a manner that is physically and otherwise accessible to individuals with disabilities;
  - (4) Ensure that legally authorized representatives are permitted to assist an individual with a disability to make informed decisions; and
  - (5) Acquire sufficient knowledge to refer people with disabilities to local, state, and federal long-term services and support programs when appropriate.
- (j) To ensure that no consumer is discriminated against, Certified Application Entities and Certified Application Counselors shall provide the same level of service to all individuals regardless of age, disability, culture, sexual orientation, or gender identity and seek advice or experts when needed.
- (k) Certified Application Entities and Certified Application Counselors may not:
- (1) Impose or induce any fee, charge, or remuneration on applicants for application or other assistance related to the Exchange;
  - (2) Be a QHP;
  - (3) Receive any direct or indirect consideration or from any health insurance issuer or issuer of stop-loss insurance in connection with the enrollment of any individuals in a QHP or a non-QHP;
  - (4) Refer consumers to a specific insurance agent or specific set of insurance agents;
  - (5) Provide gifts, including gift cards or cash or provide promotional items that market or promote the products or services of a third party, to any applicant or potential enrollee as an inducement for enrollment. Gifts, gift cards, or cash may be provided for the purpose of providing reimbursement for legitimate expenses incurred by a consumer in an effort to receive Exchange application assistance, such as, but not limited to, travel or postage expenses;
  - (6) Solicit any consumer for application or enrollment assistance by going door-to-door or through other unsolicited means of direct contact, including calling a consumer to provide application or enrollment assistance without the consumer initiating the contact, unless the individual has a pre-existing relationship with the individual certified application counselor or designated organization and other applicable State and Federal laws are otherwise complied with. Outreach and education activities may be conducted by going door-to-door or through other unsolicited means of direct contact, including calling a consumer;
  - (7) Initiate any telephone call to a consumer using an automatic telephone dialing system or an artificial or prerecorded voice, except in cases where the individual certified application counselor or designated organization has a relationship with

## Certified Application Counselor - Agreement

the consumer and so long as other applicable State and Federal laws are otherwise complied with;

- (8) Mail the paper application for the consumer;
  - (9) Coach the consumer to provide inaccurate information on the application regarding income, residency, immigration status and other eligibility criteria;
  - (10) Coach or recommend one plan or provider over another;
  - (11) Accept any premium payments from the consumer;
  - (12) Input any premium payment information on behalf of the consumer;
  - (13) Pay any part of the premium or provide any form of consideration to the consumer on behalf of the consumer;
  - (14) Intentionally create multiple applications from the same household, as defined in 45 C.F.R. § 435.603(f); or
  - (15) Invite, influence, or arrange for an individual whose existing coverage through an eligible employer-sponsored plan is affordable and provides minimum value, as described in 26 USC § 36B(c)(2)(C)) and in 26 C.F.R. § 1.36B-2(c)(3)(v) and (vi), to separate from employer-based group health coverage.
- (l) Certified Application Counselors shall report to the Exchange any subsequent arrests for which they have been released on bail or personal recognizance and criminal convictions, received by the Exchange in accordance with section 6456 (c) of Article 4, and administrative actions taken by any other agency, within 30 calendar days of the date of each occurrence.

### **D. Training**

- (a) All individuals or entities who apply to become a Certified Application Entity shall complete training for the management of Certified Application Entities prior to any affiliated Certified Application Counselors carrying out any Consumer Assistance functions.
- (b) All Certified Application Counselors shall complete training in the following subjects prior to carrying out any Consumer Assistance functions under this article:
  - (1) QHPs (including the metal levels described at 45 C.F.R. § 156.140(b)), and how they operate, including benefits covered, payment processes, rights and processes for appeals and grievances, and contacting individual plans;
  - (2) The full range of insurance affordability programs, including Medicaid, the Children's Health Insurance Program, and other public programs;



## Certified Application Counselor - Agreement

- (3) The tax implications of enrollment decisions;
  - (4) Eligibility requirements for premium tax credits and cost-sharing reductions, and the impacts of premium tax credits on the cost of premiums;
  - (5) Contact information for appropriate federal, state, and local agencies for consumers seeking additional information about specific coverage options not offered through the Exchange;
  - (6) Basic concepts about health insurance and the Exchange; the benefits of having health insurance and enrolling through an Exchange; and the individual responsibility to have health insurance;
  - (7) Eligibility and enrollment rules and procedures, including how to appeal an eligibility determination;
  - (8) Providing culturally and linguistically appropriate services;
  - (9) Ensuring accessibility for people with any disability;
  - (10) Understanding differences among health plans;
  - (11) Privacy and security standards applicable under 45 C.F.R. § 155.260 for handling and safeguarding consumers' personally identifiable information;
  - (12) Working effectively with individuals with limited English proficiency, people with disabilities, people of any gender identity, people of any sexual orientation, and vulnerable, rural, and underserved populations;
  - (13) Customer service standards;
  - (14) Outreach and education methods and strategies;
  - (15) Applicable administrative rules, processes and systems related to Exchanges and QHPs; and
  - (16) Procedures for assisting consumers with voter registration in compliance with section 6462 of Article 4.
- (c) In order to maintain certification with the Exchange, on an annual basis, Certified Application Counselors shall pass an exam administered by the Exchange testing the subjects in subdivision (b) of this section.

### **E. Compliance**

Certified Application Counselor must certify that they are in compliance with the program standards established by this Agreement and Article 11, Title 10, of the California Code of Regulations. Any change or failure of the Certified Application Counselor ability to comply shall be reported immediately to the State Program Representatives.

### **F. Conflict of Interests**



## Certified Application Counselor - Agreement

- (a) Certified Application Entities and Certified Application Counselors must disclose to the Exchange and any potential applicants any relationships with Qualified Health Plans, insurance affordability programs, or other potential conflicts of interest.
- (b) Certified Application Entities and Certified Application Counselors shall not concurrently hold a license issued by the California Department of Insurance.
- (c) Certified Application Entities and Certified Application Counselors shall not employ, be employed by or be in partnership with, or receive any remuneration arising out of functions performed under this Article from any individual or entity currently licensed by the California Department of Insurance.
- (d) Certified Application Entities and Certified Application Counselors shall:
  - (1) Create a written plan to remain free of conflicts of interest while carrying out functions under this Article; this plan shall be made available upon request to the Exchange;
  - (2) Provide information to consumers about the full range of QHP options and insurance affordability programs for which they are eligible; and
  - (3) Disclose to the Exchange and to each consumer who receives application assistance from the entity or individual:
    - (A) Any lines of insurance business, not covered by the restrictions on participation and prohibitions on conduct in this section, which the entity or individual intends to sell while carrying out the Consumer Assistance functions;
    - (B) Any existing employment relationships, or any former employment relationships within the last five years, with any health insurance issuers or issuers of stop loss insurance, or subsidiaries of health insurance issuers or issuers of stop loss insurance, including any existing employment relationships between a spouse or domestic partner and any health insurance issuers or issuers of stop loss insurance, or subsidiaries of health insurance issuers or issuers of stop loss insurance; and
    - (C) Any existing or anticipated financial, business, or contractual relationships with one or more health insurance issuers or issuers of stop loss insurance, or subsidiaries of health insurance issuers or issuers of stop loss insurance.
    - (D) I have disclosed all non-prohibited conflicts of interest to the Exchange in Attachment 1 to this agreement.

# Certified Application Counselor - Agreement

## Attachment 1

### **Compliance with Conflict of Interest Standards California Code of Regulations, Title 10, Section 6866**

1. Disclose any lines of insurance business not covered by the restrictions on participation and prohibitions on conduct contained in Section F which you intend to sell while carrying out consumer assistance functions. If you do not have anything to disclose you must state that below.

Not Official

(Attach additional sheets as needed)

## Certified Application Counselor - Agreement

2. Disclose any existing employment relationships, or any former employment relationships within the last five years, with any health insurance issuers or issuers of stop loss insurance, or subsidiaries of health insurance issuers or issuers of stop loss insurance, including any existing employment relationships between a spouse or domestic partner and any health insurance issuers or issuers of stop loss insurance, or subsidiaries of health insurance issuers or issuers of stop loss insurance. If you do not have anything to disclose you must state that below.

Not Official

(Attach additional sheets as needed)

## Certified Application Counselor - Agreement

3. Disclose any existing or anticipated financial, business, or contractual relationships with one or more health insurance issuers or issuers of stop loss insurance, or subsidiaries of health insurance issuers or issuers of stop loss insurance. If you do not have anything to disclose you must state that below.

Not Official

(Attach additional sheets as needed)

## Certified Application Counselor - Agreement

I, \_\_\_\_\_, hereby certify that:

1. I shall comply with the Certified Application Counselor Program requirement set forth at California Code of Regulations Title 10, Chapter 12, Article 11.
2. I am a natural person that is 18 years of age or older.
3. The statements made in this application are true, correct, and complete to the best of my knowledge and/or belief.
4. I will adhere to any applicable State and Federal laws and regulations.

\_\_\_\_\_  
Certified Application Counselor(s) Signature

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Date

I agree to have the above individual affiliated with the stated Entity:

\_\_\_\_\_  
Certified Application Entity Name

\_\_\_\_\_  
Certified Application Entity #:

\_\_\_\_\_  
Signature of Authorized Contact of Certified Application Entity

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Date