

Certified Application Counselor Program Designated Organization Agreement

This Agreement by and between the designated organization and the Kentucky Health Benefit Exchange (KHBE), together referred as Parties is intended to conform with the provisions of 45 CFR Section 155.225 to allow designated organizations to participate as Certified Application Counselors (Also referred to as Application Assistors) on the Commonwealth of Kentucky's state-based marketplace utilizing the Federal Platform known as **healthcare.gov and on benefind.ky.gov**. This agreement shall be renewed annually in accordance with 900 KAR 10:200.

Subject to the terms in this agreement, KHBE hereby designates and authorizes the organization to assist individuals with insurance affordability programs and health insurance plans offered on or through the marketplace. The scope of this Agreement is limited to the designated organization by KHBE, and does not create an agency or any other legal relationship between the Parties.

1. Designated Organization Responsibilities
 - A. Compliance with KHBE Policies and Applicable Laws. Organizations shall comply with all KHBE policies and procedures now in effect, or hereafter adopted, all instructions as may from time to time be given to the organization by KHBE and all applicable federal and state laws and regulations including, but not limited to, as applicable, the Affordable Care Act (ACA), the Health Insurance Portability and Accountability Act (HIPAA), the Kentucky Department of Insurance Code, and the regulations promulgated there under.
 - B. No Prior or Ongoing Disciplinary Action. Neither the Organization, officers, directors, employees or any other person substantially involved in the contracting or fundraising activities of the organization is currently on the "List of Excluded individuals/Entities" (LEIE) maintained by the Office of the Inspector General of the United States Department of Health and Human Services. Organization further attests that it is not currently the subject of any disciplinary proceedings or other action by any federal or state government authority. Organization agrees that it has a continuing obligation to notify KHBE in writing within seven (7) business days if they become subject to such disciplinary action.
 - C. Services at No Charge. Organizations shall provide application assistance without charging individuals or making assistance conditional on any other relationship, purchase or direct or indirect consideration in accordance with existing laws.
2. Liability, Insurance and Indemnification: Organization will be liable for the conduct of the Certified Application Counselors (CAC) under their supervision, whether employed or volunteer, including (but not limited to) compliance with the roles and responsibilities in accordance with 900 KAR 10:200. Organization shall agree to not hold KHBE accountable for any legal claims or damages resulting from the actions of their Certified Application Counselors.
3. Advertising and Marketing Materials: Organization agrees to comply with KHBE advertising, marketing, and branding requirements. Organizations may advertise or refer to themselves as "Certified Application Counselor Designated Organization" but shall not represent itself as an agent or other representative of KHBE.
4. Failure to perform and corrective action. If KHBE becomes aware that the designated organization has failed or is failing to meet its responsibilities or requirements under this Agreement, KHBE will provide notice of the identified failure to the organization and any applicable CACs. KHBE may provide the organization and the individual CACs with the opportunity to respond and to establish a corrective action plan approved by KHBE executive staff and a set period to amend identified practices. Failure to perform duties established in this Agreement may result in suspension or termination of the designation for an individual CACs or the organization in accordance with the regulation. Once certification or designation is removed, the individual or organization may re-apply after the passage of twelve months from the revocation/withdraw date.
5. Designated an Organization Administrator: Organization agrees to designate an individual to serve as the primary contact of the Organization and who is deemed the organization

administrator, managing the Kentucky Online Gateway Organization Management tool used to invite new users and remove users no longer associated with the organization and serving as the Agency Administrator with the ability to view all cases associated to the organization and transfer cases to other staff members. This individual will be required to respond promptly to KHBE staff requests and inquiries. Upon request and approval by KHBE, this assignment may be divided among more than one individual allowing an employee without SSP system access to handle some contact and onboarding activities.

6. System user recertification: Organization agrees to conduct access review process to confirm or “certify” that the correct individuals have access to the KHBE system in accordance with privacy and security standards of 45 CFR§ 155.260. This includes verification that the individual certified application counselors are up to date with all required training and are authorized to access the portals on behalf of the organization and KHBE.
7. Duty to Individuals. Organization agrees to act in the best interest of the individual and provide full and impartial information to individuals seeking application assistance for insurance affordability programs and qualified health and dental plans offered through the marketplace and Managed Care Organizations offered through Benefind.
 - a. To disclose to the organization or to KHBE and potential applicants any relationships with Health Insurance Companies including Managed Care Organizations (MCOs) , insurance affordability programs or any other potential conflicts of interest
 - b. To ensure that individual applicants are informed of the functions and responsibilities of certified application counselors
 - c. To comply with privacy and security standards established in accordance with 45 CFR 155.260, KRS 64.931-934 and any other applicable Kentucky state laws.
 - d. To refer to the appropriate consumer assistance personnel or call center when applicable
 - e. To provide information in a manner that is accessible to individuals with disabilities, as defined in the American with Disabilities Act
 - f. To comply with the requirements of 45 C.F. R. 155.225
 - g. To comply with all Kentucky and federal laws
8. Program Administration: The organization will directly administer the certified application counselor program, oversee all participating employees and maintain a registration process and method to track the performance of participating Certified Application Counselors. Designation: Organization must complete the request to participate form on the healthbenefitexchange.ky.gov site and be designated by an Executive staff member.
 - a. Conduct, Roles and Responsibilities: Organization agrees to adhere to requirements set forth in 45 CFR § 155.225 and 900 KAR 10:200.
 - b. Certification: Organization agrees to ensure that all staff identified to certify as Certified Application Counselors meet the initial training requirements, complete supplemental training modules, and annual recertification training. Participating Certified Application Counselors must submit a copy of the FFM training certificate of completion to KHBE. A passing score of 80% or above is required to complete a training. Individuals CAC may reattempt an assessment to achieve a passing score, however re-attempts are limited. No assessment may be taken more than 3 times during a certification period. Individual CACs who do not successfully complete any training will lose their certification status and will be eligible to reapply 12 months from the date of their certification withdrawal.
 - c. Organization agrees to remove access or notify KHBE within a reasonable timeframe (no greater than 5 business days) regarding CACs who are no longer working for the organization;
 - d. Ensuring that assisters under their organization have completed their KOG information correctly including noting availability to assist the public and which Counties they are willing to work in. An assister should not list a county unless that the assister is willing to travel to that county.

- e. Notifying KHBE if an individual CAC will be on leave for more than 8 weeks so that KHBE may place that user's status in a suspended status. Individuals who do not log into their account for more than 90 days may automatically loss access and may be required to recertify to restore account access.
 - f. Organizations must submit quarterly reports in a manner and form as set by KHBE, including:
 - i. Number of individuals who have been certified by the organization;
 - ii. Number of consumers who received application and enrollment assistance from the organization;
 - iii. Number of consumers who received assistance in applying for and selecting a Qualified Health Plan (QHP) on Healthcare.gov , enrolling in a QHP, or applying for Medicaid/KCHIP; and
 - iv. Other items requested by KHBE with reasonable notice.
9. Acceptance of Terms and Conditions: This document shall be signed by an individual legally authorized to execute contracts on behalf of the organization, signifying agreement to comply with all of the terms and conditions specified above. Additionally, all individuals designated as Certified Application Counselors by the organization will sign that they understand and will abide by the terms and conditions of their access to the Benefind SSP and to healthcare.gov as Certified application Counselors at least once each year during the recertification process.

The above terms and conditions of the Agreement are hereby accepted and agreed to as of the date specified:

For: Kentucky Health Benefit Exchange

By: _____

Date: _____

For: (Organization) _____

By: _____

Date: _____

Individual CACs Designated by the organization