

**KENTUCKY HEALTH BENEFIT EXCHANGE ADVISORY BOARD**

**NAVIGATOR/AGENT SUBCOMMITTEE**

**Meeting Minutes**

**March 21, 2013**

**Call to Order and Roll Call**

The sixth meeting of the Navigator/Agent Subcommittee was held on Thursday, March 21, 2013, at 1:30 p.m. in the Small Conference Room at the Office of the Kentucky Health Benefit Exchange. Marcus Woodward, Chair, called the meeting to order at 1:30 p.m., and the Secretary called the roll.

Subcommittee Members Present: Given Marcus Woodward, Chair; David H. Allgood, George L. “Chip” Atkins, III, Jan Day, Carl Felix, Josie L. Hollon John Kiebler, Jim Lawless, Don Mucci (by phone), Stacy Pruden (by phone), Tihisha Rawlins, and Kennan Wethington (by phone). Frances Feltner, and Dr. Payne were not present at the meeting.

Staff Present: Carrie Banahan, Reina Díaz-Dempsey, Jean Klinge, Carrie Kulmer, William Nold, Brenda Parker, Melea Rivera, Brian Staples (DOI), and Maggie Woods (DOI).

**Addition of New Members**

Katie Carter, Regan Hunt, and Jack Tillman were added to the subcommittee.

**Approval of Minutes**

A motion was made to accept the minutes of the February 21, 2013, meeting, seconded, and approved by voice vote.

The minutes of the joint meeting of the Navigator/Agent Subcommittee and the Small Employers Health Options (SHOP) Subcommittee held on February 14, 2013, were also provided. The members discussed individual versus composite billing. Carrie Banahan, Executive Director, Office of the Kentucky Health Benefit Exchange (KHBE) explained that the SHOP subcommittee will focus on recommending an employer contribution methodology during their next scheduled meeting. A motion was made to accept the minutes of the February 14, 2013, joint meeting of the Navigator/Agent Subcommittee and the SHOP Subcommittee, seconded, and approved by voice vote.

**Report of Workgroup Meetings**

The Navigator/Agent Subcommittee workgroup has met several times over the past few months. The members have discussed role delineation, responsibilities, compensation, training, the certification process, and penalties for the different assister groups.

**White Paper**

Bill Nold, Deputy Executive Director, KHBE, discussed the white paper on Navigators, In-Person Assisters (IPA), and Certification Application Counselors (CAC) prepared by KHBE staff that was provided to the subcommittee. Mr. Nold explained that the main purpose of the

white paper was to outline the roles and responsibilities of assisters (Navigators, IPAs, and CACs) and agents. Mr. Nold also noted that a recently released issue brief prepared by the State Health Reform Assistance Network showed that many of the rules that apply to Navigators are also applicable to IPAs and CACs. Mr. Nold provided an overview of the roles of these groups as defined by federal law. Chairman Woodward clarified that these groups were created by the Affordable Care Act (ACA); and therefore, their functions and responsibilities are not outlined in Kentucky statutes.

Mr. Nold also explained that federal funds (Section 1311) can be used to fund IPAs but cannot be used to fund Navigators. CACs work as volunteers (like social workers working for a hospital) and are compensated by the organization they work for, not by the Exchange. In addition, Mr. Nold emphasized that the main difference between these groups is that only agents can solicit, sell and negotiate insurance. Currently, it is anticipated that all four groups (agents, Navigators, IPAs, and CACs) will exist in the Exchange. Mr. Nold explained that Web Brokers, a group mentioned in the Exchange's original Blueprint application, will not be a part of the Exchange at this time; but, their participation is being considered in the future.

The subcommittee members also discussed the definition and delineation of the roles and responsibilities of assisters and agents and considered several case scenarios and examples. In short, the role of Navigators, IPAs, and CACs is to educate consumers and to facilitate enrollment. The role of agents includes the ability to recommend a health plan that best meets the consumer's needs. It was also noted that for ease of enrollment, the ACA requires issuers to provide a Summary of Benefits and Coverage to consumers, and that the Exchange is planning on providing links to provider networks and formularies. The functionality of these links has not yet been finalized.

### **Draft Regulations**

Mr. Nold informed the subcommittee that draft administrative regulations on agent participation and Navigators were also distributed to the members. However, the draft regulations were not yet ready for review.

### **Participation Agreements**

Mr. Nold discussed the need for agents to have participation agreements with the Exchange. Don Mucci stated that he would like to incorporate performance standards for agents that will sell insurance through the Exchange. Mr. Nold noted that time was of the essence and, therefore, would like to have some recommendations regarding the issue within the next two weeks. Chairman Woodward recommended that the workgroup meet prior to the next subcommittee meeting so that everyone involved has an opportunity to provide input.

### **Training Curriculum**

Mr. Nold presented the training curriculum developed to date by the Deloitte Consulting group and the KHBE staff. The curriculum outline includes the module topic, hours of training (one-day instructor-led and four to five hours web-based), the audience, and the delivery methodology (instructor-led or web-based). Each group would be instructed on the specific modules that are

applicable to the group as determined by the Exchange. Some subcommittee members expressed concern that the amount of training may not be sufficient for groups that need to be trained on health insurance basics. Subcommittee members agreed that it will be crucial for Navigators, IPAs, and CACs to be trained to explain clearly and early in the process of assisting a customer that they “cannot provide advice” and to make this statement a required disclosure.

Module Two of the proposed training curriculum discusses agent role and expectations. All Navigators will receive this module. Melea Rivera, KHBE, explained that there will be additional supporting materials available to enhance and reinforce the learning experience. Chairman Woodward raised a question regarding the responsibility for errors. The subcommittee briefly discussed this issue without reaching a resolution.

Tihisha Rawlins made a motion to approve the training curriculum as presented by the KHBE, to proceed with training planning, and to include refresher training and testing for agents, Certified Application Counselors, In-Person Assisters, and Navigators. The motion was amended to include the recommendation that the KHBE should work cooperatively with the Department of Insurance to pursue the possibility of the training hours counting toward continuing education (CE) credits. The motion as amended was seconded and approved by voice vote.

#### **Other Business**

The Navigator/Agent Subcommittee workgroup will hold a meeting on Thursday, April 4, 2013, 1:30 p.m., at the Office of the Kentucky Health Benefit Exchange. The meeting agenda will include a discussion of the draft regulations, appointment requirements, participation agreement for agents, penalties for crossing lines of responsibility, and performance standards.

The next meeting of the subcommittee is scheduled for 1:30 p.m., on Thursday, April 18, 2013, at the Office of the Kentucky Health Benefit Exchange.

#### **Adjournment**

The meeting was adjourned at 3:15 p.m.