

**COMMON QUESTIONS AND ANSWERS
ON DESIGNATION OF CERTIFIED APPLICATION COUNSELOR (CAC)
ORGANIZATIONS IN FEDERALLY-FACILITATED MARKETPLACES**

1. **The preamble to the final rule and CMS' guidance says that the Federally-facilitated Marketplaces will designate certain types of organizations as CACs. Some types of organizations, by the nature of the organization, will clearly meet the criteria to be a CAC, such as HRSA grantees, FQHCs, and IHS.**

Do those organizations have to file an application in order to be designated as a CAC organization?

ANSWER: Yes. Although we anticipate designating all interested HRSA grantees, FQHCs, IHS, and similar organizations as CAC organizations, they must submit an application for us to designate them.

2. **May an organization be both a Navigator or a Champion for Coverage, and also be a designated CAC organization?**

ANSWER: Yes, an organization may be a Navigator grantee or a Champion for Coverage and also be a designated CAC. However, we do not anticipate that any Navigator grantees will seek to become a designated CAC organization for the same service area as well. Navigator grantees are funded to perform the type of work that designated CAC organizations may perform plus additional types of work, such as outreach and education.

3. **If an organization has multiple locations, facilities and/or organizational members, may the larger (for example, the parent) organization apply to be a designated CAC organization on behalf of all of its facilities, locations, etc.? Or must each location or organizational member or subsidiary submit a separate application?**

ANSWER: In a Federally-facilitated Marketplace, each separate legal component of a larger organization must submit its own application to be a designated CAC organization. However, a single legal entity with multiple locations within a single state may submit the application for all of its locations. If an entity has locations in several different states in which a Federally-facilitated Marketplace will be operating, it must submit a separate application for each state.

An organization submitting an application for multiple locations should keep in mind that the organization that submits the application is responsible for making sure that all of the staff and volunteers it certifies as individual certified application counselors take and pass the training, and comply with the requirements to be a CAC including privacy and security requirements. Also, the organization that submits the application is responsible for making sure that each staff member and volunteer it certifies as a certified application counselor signs an agreement that he/she will comply with the CAC requirements.

Organizations seeking to become CAC organizations in State-based Marketplaces should contact the State-based Marketplace to learn more about the applicable procedures.

4. **The CAC application for Federally-facilitated Marketplaces only allows us to include 5 locations. How do we include more than 5 locations?**

ANSWER: If the organization submitting the CAC application has more than 5 locations, it should submit a separate application per every 5 locations. If the organization has more than 25 locations, please indicate that in one of the boxes indicating location, and if the organization becomes a designated CAC organization, CMS will contact it to obtain the information for the additional locations.

5. **The CAC application for Federally-facilitated Marketplaces asks the organization to list locations following the question “How can the general public contact your organization”. Is the organization supposed to list every location where it has offices?**

ANSWER: The organization should list all locations where it will provide certified application counseling services to consumers. It should not list any offices or facilities where it does not intend to provide certified application counselor services.

6. **If my organization wants to provide CAC services in a state in which there is a Federally-facilitated Marketplace (FFM), I understand that the CAC training will be given on-line by the FFM. If my organization is in a state in which there is a State-based Marketplace (SBM), how do I know what training will be required and how to access that training?**

ANSWER: All SBMs are required to have and train CACs. Each SBM is responsible for deciding what training it will require for CACs in its state and how it will conduct that training. SBMs may choose to use the FFM CAC training, or they may choose to provide their own CAC training. This is true for organization seeking to offer CAC services in a state with a SBM, including organizations that receive federal funding, such as HRSA grantees and FQHCs.

Organizations in states with a SBM should contact the SBM or go to the SBM’s website for information about the CAC program in that state. For links to each SBM’s website, see <http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/state-marketplaces.html> .

7. **The preamble to the final rule and the guidance CMS issued indicate that organizations the FFM may designate as CAC organizations include agencies that have experience providing social services to the community, such as SNAP outreach, energy assistance, or tax assistance, that are non-federal governmental organizations or are organized under section 501(c) of the Internal Revenue Code.**

Our organization receives federal funds. Does that disqualify it from being a designated CAC organization?

ANSWER: No. An organization that receives federal funds may apply to become a designated CAC organization as long as its participation in the CAC program would not otherwise be prohibited.

8. Will CACs be funded?

ANSWER: CAC designated organizations and individual CACs will not be funded through the Marketplace. They may seek funding from outside sources, such as other available federal, state, or private funds.

9. Will the CAC training materials be available for people who are not CACs but are community organizations, advocates, partners, etc.?

ANSWER: Yes. Training materials are publicly available at <http://marketplace.cms.gov/training/get-training.html>.

10. Is there more than one training session scheduled, or can training be completed at any time since it is web-based?

ANSWER: Because the CAC training is web-based, it can be completed at any time. Individual CACs must complete the training before being certified by their designated CAC organization.

11. Is one of the roles of a CAC to train others to become a CAC?

ANSWER: No. CMS training is required for all individual CACs in the Federally-facilitated Marketplace (FFM). CACs will access the FFM's online training directly. Every individual who becomes a CAC in an FFM state must complete the on-line training.

12. How many hours will the CAC training be?

ANSWER: Approximately 5 hours.

13. Is there just training or is there a test too?

ANSWER: As part of the training, CACs will have to pass an exam as well.

14. What, if any, cost is there to participate in the training?

ANSWER: There is no fee to take the training.

15. Is there a limit to the numbers of CACs a designated CAC organization may have trained?

ANSWER: No, but because each CAC designated organization must oversee its individual CACs and ensure that they comply with the program's requirements, they should only certify as many individual CACs as they can reasonably oversee.

16. What parts of the Navigator training will not be required for CACs?

ANSWER: There will be separate CAC training that individuals must take in order for their designated CAC organization to certify them as a CAC. The CAC training will be based on the Navigator training, but will not include things that do not pertain to CACs, such as training on outreach (note: CACs may, but are not required to conduct outreach) or federal grant reporting requirements.

17. Will a copy of the Federally-facilitated Marketplace (FFM) CAC training be made available to State-based Marketplaces (SBMs) so they may use it as a model?

ANSWER: Yes. SBMs must have a CAC program and must establish CAC training. SBMs may choose to use the training provided by the FFM, or they may choose to develop their own training. SBMs that choose to develop their own training may wish to base the training on their Navigator training.

18. Can a designated CAC organization certify staff as CACs without having the staff take the CAC certification training?

ANSWER: No, completing the training is a prerequisite for certification for every individual CAC.

19. When an agency becomes a designated CAC organization, does it need to have all of its employees and volunteers take the CAC training or just those it wants to certify to be CACs?

ANSWER: Only those who will be certified to be CACs are required to take and pass the CAC training.

20. Will CACs receive a certificate as proof that they have taken the specific trainings?

ANSWER: Yes, CACs will receive a training certificate at the completion of their training. CACs will also receive a CAC certificate from their designated CAC organization, which will identify them as a CAC and should be displayed any time they assist a consumer.

21. Are there specific criteria that an organization must meet in order to be eligible to be a designated CAC organization? If so, are these criteria outlined in the application?

ANSWER: The criteria to be designated as a CAC organization in FFM are outlined in CMS guidance, which is posted on the internet at:

<http://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/CAC-guidance-7-12-2013.pdf>. SBMs may use the same criteria as the FFMs' or may establish their own criteria.

22. Will there be a published list of organizations that the FFM designates as CAC organizations? If so, what is the best way to find which organizations provide CAC assistance?

ANSWER: Yes. A list of the designated CAC organizations including their locations and contact information will be posted on <http://HealthCare.gov>, with a Find Local Help tool. This will allow consumers to search for assistance personnel in their area, including CACs. CMS anticipates that this will become available beginning late August.

23. In the FFMs, will there be a published list of those staff members and volunteers each designated CAC organization certifies as individual CACs?

ANSWER: No. Consumers will need to contact the designated CAC organizations in their geographic area to obtain CAC assistance.

24. Are individuals able to become CACs in the FFMs if they are not affiliated with a designated CAC organization?

ANSWER: No. in the FFM, they must be affiliated with a designated CAC organization.

25. Are there a certain number of organizations who will receive CAC designation in the FFMs? How many CAC organizations will be designated per state?

ANSWER: There is no limit to the number of organizations that may be designated, either generally or per state.

26. What does it mean to screen staff and volunteers who would become individual CACs? Does this mean conduct an interview, background check, etc.?

ANSWER: Screening could involve background checks, calling past employers for references, checking government-issued identification, or other tools that will tell the organization whether the organization can trust its staff and volunteers to handle any private consumer information responsibly and securely, to adhere to all CAC program requirements and standards, and to act in the best interest of the consumers they assist.

27. What are the benefits to becoming a designated CAC organization?

ANSWER: CAC designated organizations will benefit by receiving the Marketplace's training and being able to represent themselves to consumers as being certified by their state's Marketplace to provide application and enrollment assistance.

28. How does an organization apply to be a designated CAC organization for the FFM?

ANSWER: Complete the online application available at <http://marketplace.cms.gov/help-us/cac-apply.html>.

29. When are the applications to be a designated CAC organization due?

ANSWER: There is no deadline. CAC applications will be accepted and reviewed on a rolling basis.

30. What if an individual lives in a state where the news media is reporting the state will not participate in the Marketplace. How can residents in such a state get assistance?

ANSWER: The FFM will be operating in all states that do not operate a State-based Marketplace. Organizations in those states that are interested in becoming a designated CAC organization should apply using the online application available at <http://marketplace.cms.gov/help-us/cac-apply.html>. Consumers in those states will be able to find designated organizations from which to obtain assistance through <http://Healthcare.gov>.

31. How does an organization apply for CAC designation in a State Partnership Marketplace (SPM)?

ANSWER: Organizations in State Partnership Marketplaces should apply the same way as organizations would apply in FFMs, through the on-line application available at <http://marketplace.cms.gov/help-us/cac-apply.html>.

32. Does an organization that only wants to have one or two of its staff become CACs have to become a designated CAC organization to do so?

ANSWER: Yes. An organization must be a designated CAC organization to certify any of its staff as CACs in the FFM. An organization seeking to become CAC organizations in State-based Marketplaces should contact the State-based Marketplace to learn more about the applicable procedures in the state.

33. If an organization is designated by Medicaid agencies as an application assistance site in some states, but not others, how should the organization answer that question on the application in the state where they are not designated – yes or no?

ANSWER: A separate CAC application must be submitted for each state. The questions on each application should be answered to reflect the organization’s designation in that state.

34. May an organization apply only to have a staff member become an individual CAC, without becoming a designated CAC organization?

ANSWER: No. An organization must apply and become a designated CAC organization in order to certify one of its staff members or volunteers as an individual CAC.

35. May a designated CAC organization or an individual CAC recommend a specific QHP?

ANSWER: No. A CAC will help the consumer through the process of selecting a plan, and must give the consumer information about the full range of QHP options and insurance affordability programs for which they are eligible. The CAC may not direct the consumer towards a specific plan but may give the consumer information that allows the consumer to make an informed decision as to which plan is in the consumer’s best interest.

36. Will the CACs be expected to assist consumers with enrollment in Medicaid/CHIP?

ANSWER: Yes. CACs are required to help consumers apply for and enroll in insurance affordability programs, which include Medicaid, CHIP, advance payment of the premium tax credit and cost-sharing reductions through the Marketplace. All of these programs will be covered in the training.

37. Can a CAC actually help an individual compare health plans, benefits, and carrier networks and assist the individual in choosing a health plan?

ANSWER: Yes, those are required duties of a CAC. But remember that a CAC cannot actually choose a plan or enroll someone in a plan. A CAC may only assist with plan selection and enrollment, and must provide this assistance in the consumer’s best interest.

38. HRSA funding for FQHCs requires outreach in the community. That seems to be in conflict with the final CAC rule. Please clarify.

ANSWER: If an FQHC is a HRSA grantee and would like to be a CAC, the FQHC would have to comply with any HRSA requirements in addition to CAC requirements. The CAC rule does not prohibit CACs from conducting outreach to the community, but it does not require CACs to conduct outreach. So an FQHC would be able to meet HRSA’s requirement to conduct outreach without conflicting with the CAC requirements.

39. Will there be a support database and/or a dedicated help desk available to CACs to get answers to consumers' questions that come up in the enrollment process?

ANSWER: CACs may call the toll-free Marketplace call center at 1-800-318-2596 to help answer any consumer questions.

40. Will CACs assist employers with the SHOP options? If not, who will do this?

ANSWER: CACs may but are not required to assist employers with SHOP. Agents, brokers, Navigators, and non-Navigator in-person assistance personnel are available to assist employers with the SHOP process. CACs will, however, assist employees with SHOP options.

41. Are there specific requirements for how many consumers each CAC or designated CAC organization must assist?

ANSWER: No. There are no requirements regarding the minimum number of consumers a designated CAC organization or each CAC must assist.

42. Will CACs be required to report their activity to the FFM, like SHIPs do for each person they assist with Medicare?

ANSWER: There are no requirements for reporting to the FFM. However, each designated CAC organization will give each individual CAC it certifies a unique identifying number that the individual CAC should direct the consumer to enter into the appropriate place in each application that he or she assists with. The designated CAC organization may also ask each individual CAC to make reports to them as part of the organization's requirement to track their CAC staff and volunteers.

43. About how long on average will it take a CAC to walk a consumer through enrollment?

ANSWER: It will vary depending on the consumer's needs. We estimate that it will take most assistance personnel about one hour to walk a typical client through the entire process, including creating an account, filling out eligibility information, comparing plans, and completing enrollment.

44. Can a fully volunteer-run organization become a designated CAC organization?

ANSWER: Yes, as long as it meets the criteria for being a designated CAC organization.

45. Can you clarify the difference between CACs and Navigators?

ANSWER: There are a few main differences. Navigators are funded by grants through the Marketplace, while designated CAC organizations and individual CACs are not funded by the Marketplace (although designated CAC organizations may obtain funding from sources other than the Marketplace). The Navigator program has stricter conflict of interest requirements, including some conflicts of interest that prohibit entities and their staffs from becoming Navigators. The CAC program has conflict of interest disclosure requirements, but the conflicts of interest subject to disclosure will not prevent a CAC designated organization staff member or volunteer from becoming a CAC. Navigators are also required to conduct outreach and education, while CACs are not.

46. If an organization has applied to be a Navigator, should it still apply to be a designated CAC organization in case it is not selected as a Navigator grantee?

ANSWER: Organizations that were not awarded a Navigator grant may seek designation as a CAC organization.

47. Are CACs considered non-navigator assistance personnel?

ANSWER: No. When we talk about non-Navigator assistance personnel, we mean an in-person assistance program authorized by federal regulations at 45 CFR 155.205(d) and (e), which is sometimes called the in-person assistance program. The CAC program is a different program under a different regulatory provision (45 CFR 155.225) and has different conflict of interest, training and other requirements from those applicable to the non-Navigator assistance program in the FFMs. When you hear “non-Navigator assistance personnel,” it is not intended to include CACs.

48. How does an agent or broker differ from a CAC?

ANSWER: Unlike agents and brokers, CACs cannot charge consumers for their assistance and are not paid by health insurers to sell insurance. Agents and brokers are licensed by their state to sell insurance. CACs do not sell insurance, nor will they be enrolling individuals in health coverage, including QHPs offered through the Marketplace.

49. Can an insurance agent or broker be a CAC?

ANSWER: The CAC rule does not prohibit an agent or broker from being a CAC. Agents or brokers that become a designated CAC organization or who are certified by a designated CAC organization must comply with all applicable CAC requirements, including those related to disclosure of conflicts of interest, giving consumers information about all the QHPs and insurance affordability programs for which a consumer is eligible, and forging charging fees for the assistance provided. In an SBM state, those interested in being a CAC designated organization or an individual CAC should check with their SBM.

50. Will organizations that already help consumers with health insurance applications or other types of applications, such as Medicaid, CHIP, SSI or SSDI, have to become CAC designated organizations in order to continue doing this type of work?

ANSWER: No. Designation as a CAC organization is not required to continue to assist people. The program is entirely optional. However, an organization that is not designated as a CAC organization will not be able to represent itself as a designated CAC organization to the public and will not be listed on our website.

51. Are CACs only for FFM and State Partnership Marketplaces?

ANSWER: No. Every Marketplace is required to have CACs. However, the application on <http://Marketplace.cms.gov> is only for FFM and SPM states. If you are in an SBM state, check with your state's Marketplace for information on that process. For links to each SBM's website, see <http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/state-marketplaces.html>.

52. Will State-based Marketplace CAC programs operate in the same manner as the Federally-facilitated Marketplace CAC program?

ANSWER: All Marketplaces must have a CAC program. SBMs have the option to designate CAC organizations and require that the organization certify its staff and volunteers, as the FFM will do. SBMs also have the option to certify individual CACs directly or to do a combination of the two options.

53. How much flexibility does a state-based Marketplace have regarding CAC requirements and responsibilities? Are there any provisions in the federal guidance that they MUST follow?

ANSWER: State-based Marketplaces must follow all of the requirements of the CAC final rule (45 CFR 155.225), but are not expected to follow CMS's subregulatory guidance for the FFMs and SPMs, although they are welcome to do so.

54. Can an individual enroll in a qualified health plan offered through the Marketplace website without going through a CAC or a Navigator?

ANSWER: Yes. A consumer may apply for a determination of eligibility to enroll in coverage under a qualified health plan offered through the Marketplace without help from any assister. CACs or Navigators are available to help the consumer complete the same application process that the consumer could otherwise complete on his or her own. The benefit to using a CAC or other in-person assister, such as a Navigator, is that the CAC or Navigator will be able to offer expertise on both the enrollment process itself (such as how the consumer creates an account and how to compare plans) and information related to health plans and insurance affordability programs (such as advance premium tax credits, deductibles, co-pays, etc.)

55. What happens to organizations that apply to be, but are not designated as CAC organizations, but still want to help people enroll in the Marketplace?

ANSWER: Organizations may continue to provide any enrollment assistance they already provide, whether or not they are a designated CAC organization. The CAC training materials are publicly available at <http://marketplace.cms.gov/training/get-training.html>. Organizations may also choose to become a Champion for Coverage to help educate people about the Marketplace (go to <http://marketplace.cms.gov> and click on “Partner with Us.”) An organization does not need to be a designated CAC organization if it wants to be a Champion for Coverage.

56. What level of health care knowledge should an individual already have to become a CAC?

ANSWER: There is no minimum level of knowledge required for an individual to be certified as a CAC by a designated CAC organization, other than completing the required CAC training. The FFMs’ CAC training will teach each individual CAC everything he or she needs to know about the Marketplace, qualified health plans, and insurance affordability programs to help consumers apply for and enroll in coverage.