

**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 not 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 FFM 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.

**57. CMS guidance identified certain types of organizations, based on their functions, that the FFM anticipates designating as CAC organizations. Are other organizations that were not identified, but meet the criteria specified in guidance, eligible to become designated CACs?**

**ANSWER:** Yes. Although CMS anticipates designating as CACs certain types of organizations in the FFMs, all organizations that meet the criteria specified in guidance are eligible to become designated CACs.

**58. Would CMS-provided CAC training count as part of the HRSA Outreach and Enrollment Assistance supplemental awards' training that is required?**

**ANSWER:** Yes, CAC training will count as part of the required HRSA Outreach and Enrollment Assistance training requirements. Please visit HRSA at <http://bphc.hrsa.gov/outreachandenrollment> for further information on the HRSA Outreach and Enrollment Assistance training requirements in the FFM and SPM Marketplaces.

**59. Will the CMS-provided CAC training be available in Spanish?**

**ANSWER:** Yes, the CAC training will be offered in Spanish.

**60. Are there any guidelines for how much training a state operating a State-based Marketplace may require for CACs?**

**ANSWER:** A state which operates a State-based Marketplace may set its own guidelines for the amount of training it may require for CACs, as long as they are consistent with the provisions of 45 CFR 155.225.

**61. If an organization in a state in which the FFM or an SPM operates currently assists consumers with Medicaid applications, do they have to take the CAC training?**

**ANSWER:** The federal regulation establishing the CAC program does not require an organization to be designated as a CAC organization to continue to assist consumers. An organization may continue to assist consumers without being designated as a CAC organization; however in such case they may not refer to themselves as a CAC designated organization. However, all designated CAC organizations in the FFM and SPMs must have their staff and volunteers take the CAC training to be certified as a CAC.

Organizations and individuals that wish to be designated or certified as a CAC organization or counselor in a state which operates a SBM should contact the SBM for information about the CAC program in their respective state. Each SBM is responsible for deciding what training it will require for CACs in its state and how it will conduct that training, as long as the training requirements developed by the SBM are consistent with the provisions of 45 CFR 155.225. This applies even for organizations that receive federal funding.

**62. Are Medicaid eligibility vendors that contract with hospitals eligible to become CACs in the FFMs?**

**ANSWER:** Yes, as long as the Medicaid eligibility vendor meets the criteria to be a designated CAC organization and agrees that it and the individual staff members and volunteers it certifies will comply with all of the requirements set forth in 45 CFR 155.225, such as providing information about the full range of QHPs and insurance affordability programs for which consumers are eligible, acting in the best interests of the consumers

assisted, and not charging a fee for its CAC assistance. In addition, hospitals and other providers that are designated CAC organizations may certify as individual CACs the staff of vendors they contract with as long as they meet all of the standards and requirements to be an individual CAC. In an SBM state, those interested in being a CAC designated organization or an individual CAC should check with their SBM.

**63. Can a pharmacy be a designated CAC organization in FFM and SPMs?**

**ANSWER:** Yes, as long as a pharmacy meets the criteria to be a designated CAC organization and agrees that it and the individual staff members and volunteers it certifies will comply with all of the requirements set forth in 45 CFR 155.225, such as providing information about the full range of QHPs and insurance affordability programs for which consumers are eligible, acting in the best interests of the consumer assisted, and not charging a fee for its CAC assistance.

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

**64. Is the CAC program mandatory?**

**ANSWER:** Every Health Insurance Marketplace must have a CAC program. However, it is completely voluntary for any organization to participate in the CAC program as a designated organization.

**65. If a CAC application is denied, is there a process to appeal?**

**ANSWER:** There is no appeal process for the denial of an application to be designated as a CAC organization in the FFM or SPMs. However, CMS will notify organizations whose applications were not approved for designation in an FFM on potential next steps, including possible referrals to the Champions for Coverage program. As a Champion for Coverage, an organization will have the opportunity to help educate people about the Marketplace and where they can enroll for coverage. An organization which thinks it may have filled out the application incorrectly or that subsequently it meets the criteria to be a CAC designated organization may submit a new application at any time.

**66. Will a designated CAC organization in the FFM or an SPM have to declare how many individual staff or volunteers it has certified or intends to certify as application counselors?**

**ANSWER:** Designated CAC organizations are not required to declare how many individuals they certify or intend to certify as CACs. Upon request by the FFM or SPM, designated CAC organizations may be required to provide the FFM or SPM with a list of the organization's certified CACs.

**67. Must national organizations that apply to become a designated CAC organization in multiple FFM and SPM states be designated in each state they plan to provide consumer assistance?**

**ANSWER:** A national organization may apply to become a designated CAC organization for all of the states in which the FFM or an SPM is operated, or may apply to be designated separately for each state. Organizations seeking to become CAC organizations in State-based Marketplaces should contact the State-based Marketplace to learn more about the applicable procedures.

**68. Must a CAC organization that is designated by the FFM be listed on the HealthCare.gov website?**

**ANSWER:** Generally, yes. A designated CAC organization must comply with the process established for operating the CAC program. The FFM will post the names, locations and contact information of all designated CAC organizations in the FFMs and SPMs on <http://HealthCare.gov>, with a Find Local Help tool, unless an organization specifically requests at the time of its application that its information not be posted. This will allow consumers to search for assistance personnel in their area that includes CACs.

**69. Are the CAC program requirements different in the State-Based Marketplaces (SBMs) and Federally-Facilitated Marketplaces (FFMs)? Will SBMs have flexibility to expand who can serve as CACs beyond what is allowed in FFMs?**

**ANSWER:** SBMs have a great deal of flexibility in the development and operation of their CAC programs, but they must do so consistently with the provisions of 45 CFR 155.225. SBMs may designate organizations to certify staff and volunteers, certify CACs directly, or do both. SBMs do have flexibility to determine which organizations and individuals may be CAC designated organizations or CACs. In addition, SBMs may use the FFM CAC training, but are not required to.

**70. On the application to become designated as a CAC organization in the FFMs, will the parent organization need to list each of its locations?**

**ANSWER:** Parent organizations applying to become a CAC designated organization in the FFM or SPMs should list only the locations where consumer assistance services will be provided.

**71. Will technical assistance be available if errors are encountered while completing the online application to become designated as a CAC organization in the FFMs?**

**ANSWER:** Questions for assistance regarding the application process in the FFM and SPMs may be directed to [CACQuestions@cms.hhs.gov](mailto:CACQuestions@cms.hhs.gov). CMS will make every attempt to address questions in a timely manner. Answers to general questions regarding the CAC program are

posted on Marketplace.cms.gov at: <http://marketplace.cms.gov/help-us/common-qandas-about-cac-designation.pdf>.

- 72. In a Federally-facilitated Marketplace (FFM) state, to qualify to be a CAC designated organization, must an organization list a physical location where consumers can go to receive assistance? What if an organization does not have a physical location, but operates a national toll-free helpline?**

**ANSWER:** Yes, an organization must have a physical location where consumers can go to receive assistance. For the section on the application about how the general public may contact the organization, the organization may simply list its phone number where consumers can reach the organization to receive information enrollment assistance in the Marketplace. However, for the section on the application about how the Marketplace may contact the organization, a location as well as a telephone number and email address must be listed.

- 73. Is there a fee to become a designated CAC organization?**

**ANSWER:** In FFM and SPMs, there are no fees associated with becoming a designated CAC organization or a CAC staff or volunteer.

- 74. Will organizations have to re-apply for CAC designation in the FFM and SPMs on an annual basis? Will there be requirements to maintain certification for individual CAC counselors?**

**ANSWER:** CMS expects to issue guidance on recommended recertification and continuing education for certified application counselors in FFM and SPMs.

- 75. Once certified by a designated CAC in the FFM, will a certified application counselor be able to transfer to another designated CAC organization and assist consumers in the FFM using the same certification? Or will the individual CAC be required to retake the training and examination to receive another certification with the new CAC designated organization?**

**ANSWER:** In the FFM and SPMs, individual CACs will not have to retake the examination, but they must still be certified by the new designated organization. Individual CACs may present the training certification they previously received that indicates they successfully passed the CMS training to the new designated organization. The new CAC designated organization will then have to recertify these individual CACs.

- 76. Can CACs in the FFM or SPMs refer a consumer to agent or broker?**

**ANSWER:** Yes, CACs may make referrals to other assistance personnel, including agents and brokers, if a consumer requests it or if the consumer requires more information or assistance than the CAC is able to provide. However, all CACs must perform all the required

CAC duties, including providing information to individuals and employees about the full range of QHP options and insurance affordability programs for which they are eligible, and assisting individuals and employees with applying for and enrolling in coverage in a QHP and for insurance affordability programs through the Marketplace. Therefore, for example, it would not be permissible for a CAC to provide assistance only with Medicaid/CHIP applications and to refer QHP-eligible consumers to agents or brokers.

**77. Is it possible for consumers to appoint a CAC to act on their behalf as an authorized representative in the FFM and SPMs?**

**ANSWER:** Yes, it is possible. Consumers may appoint CACs to act on their behalf as authorized representative in the FFM and SPMs. All state and local laws, as well as all Marketplace regulations and guidance governing authorized representatives would apply.

**78. Are designated CAC organizations in the FFM and SPMs required to have liability insurance to perform their required duties?**

**ANSWER:** No. Having liability insurance is not a requirement for an organization to be designated a CAC organization in the FFM and SPMs.

**79. May a CAC provide assistance to consumers in multiple FFM and SPM states?**

**ANSWER:** CACs may be certified to provide consumer assistance in the state or states being served by their affiliated CAC designated organization.

**80. Should a CAC designated organization have the capacity to access the Marketplace website while providing consumer assistance?**

**ANSWER:** Yes, a CAC should be able to access the Marketplace website regardless of the method by which they provide assistance to consumers, such as over the phone or in-person.

**81. Are hospitals with contractual relationships with a health plan issuer eligible to become CAC designated organizations in the FFM and SPMs?**

**ANSWER:** Yes. Having a conflict of interest does not bar an organization from participating in the CAC program. As long as the CAC discloses any relationships they or their organization has with QHPs or insurance affordability programs, or other conflicts of interest, to each consumer they assist, an organization that meets the other criteria will be eligible to participate. Regardless of a designated CAC organization's relationships with health plans, every CAC is required to give information to consumers about all of the QHPs and insurance affordability programs for which the consumer is eligible. CACs must also act in the best interest of consumers, which means that they cannot steer them toward or away from any particular plan.

**82. Will there be a way to identify individuals that provide consumer assistance in the FFM and SPMs?**

**ANSWER:** Yes. In the FFM, all assistance personnel will be assigned an identification number. Consumers should enter the assister's identification number on the FFM application. Among other things, this identification number will indicate to the FFM whether a consumer received assistance from an agent or broker, Navigator, certified application counselor, or non-Navigator assistance personnel (also known as in-person assistance personnel).

**83. Will the FFM and SPMs give any special preference to consumers that receive application assistance from a CAC?**

**ANSWER:** No. All applications for coverage in the Marketplace will be treated the same.

**84. What happens after an organization submits an application to become a CAC designated organization in the FFMs?**

**ANSWER:** CMS will review each application to determine whether the information provided by the organization demonstrates that the organization meets the criteria set forth in the regulation and guidance. Upon conclusion of the review, each organization will be notified of the result.

**85. What are the next steps after an organization is designated as a CAC organization in the FFM and SPMs?**

**ANSWER:** In the FFM and SPMs, once an organization is designated as a CAC organization, the organization's contact information will be posted on CMS's website. The organization should begin the process to certify the staff and volunteers it wants to serve as CACs. Among other things, this process will involve ensuring that these staff and volunteers have completed the required CMS-approved training and examination, checking that all CAC staff and volunteers have submitted conflict of interest disclosures to the organization, and ensuring that each CAC staff member or volunteer has signed a CAC agreement with the organization. Once the organization has certified its CACs, these staff and volunteers may begin to assist consumers as CACs.

In order for an organization's staff and volunteers to be certified as CACs and ready to help consumers when enrollment through the Marketplace opens on October 1, 2013, we recommend that the organization have its staff and volunteers begin the CAC training as soon as possible, and that the organization begin the certification process as soon as possible. However, a designated CAC organization may certify staff and volunteers as CACs at any time.

**86. What will the CAC training consist of?**

**ANSWER:** All individuals who carry out the consumer assistance functions will receive training on topics including: QHPs and how they operate, including benefits covered, payment processes, rights and processes for appeals and grievances, and contacting individual plans; the range of insurance affordability programs; tax implications of enrollment decisions; eligibility requirements for premium tax credits and cost-sharing reductions; contact information for federal, state and local agencies for consumers seeking additional information about specific coverage options not offered through the Marketplace; basic concepts about health insurance and the Marketplace; and privacy and security standards for handling and safeguarding consumers' personally identifiable information.

**87. Will CAC counselors be required to obtain an insurance license to assist consumers? Will an insurance license be issued once they successfully complete the CAC training and test?**

**ANSWER:** CACs in the FFM and SPMs do not need to be licensed as insurance agents and brokers and are not required to obtain errors and omissions coverage. CACs will not be issued an insurance license upon completion of their CMS-approved training and examination. CACs, like Navigators and non-Navigator assistance personnel, will not sell, solicit, or negotiate insurance. Rather, they will 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 that meet the consumer's needs. In FFMs and SPMs, CACs will be issued a certificate of completion by the Medicare Learning Network, which hosts the training, and a certificate from their organization indicating that they have been certified as a CAC.

**88. Can a health insurer or Qualified Health Plans serve as a designated CAC organization?**

**ANSWER:** In an FFM or SPM, issuers and QHP organizations cannot serve as CACs because these entities do not meet the criteria to be designated as CAC organizations under CMS's subregulatory guidance. However, the CAC rule does not prohibit any individual working for an issuer or plan from being a CAC, which means that the individual could volunteer for a designated CAC organization that does meet the eligibility requirements in the subregulatory guidance, as long as he or she discloses to potential applicants any relationships he or she or his/her sponsoring organization has with QHPs or insurance affordability programs, as well as provides information to consumers about all options, acts in the consumer's best interest and forgoes charging fees for the assistance provided in connection with helping consumers with health insurance. In an SBM state, those interested in being a CAC designated organization or an individual CAC should check with their SBM.

**89. Can staff of a health insurer or a QHP be certified as an individual CAC?**

**ANSWER:** The FFM, including SPMs, will only designate organizations to be CAC organizations. The designated CAC organizations will certify individual staff members or volunteers to be CACs; the FFM will not certify individual CACs. In the FFM and SPMs, health insurers or QHPs will not be designated as CAC organizations.

An individual who works for a health insurer or QHP is not prohibited from also working for or volunteering for an organization that is a designated CAC organization and, in that capacity, is not prohibited from being certified as an individual CAC. However, as is true for all individual CACs, he or she must disclose to the CAC designated organization and to potential applicants any relationships he or she or his/her sponsoring organization has with insurers or QHPs or insurance affordability programs, as well as provide information to consumers about all options, act in the consumer's best interest and forgo charging any fee or compensation for the assistance provided in connection with helping consumers with health insurance as a CAC.

In an SBM state, those interested in being a designated CAC organization or an individual CAC should check with their SBM.

**90. Will someone with a criminal record be able to qualify as a CAC counselor?**

**ANSWER:** Fraud and the privacy and security of consumers' personal identifiable information are a top priority. Designated CAC organizations must have processes in place to screen their staff members and volunteers who are certified application counselors to ensure that they are trained to protect personally identifiable information. 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.

**91. Is there a place to find out which state will operate a Federally-facilitated Marketplace (FFM), State-Partnership Marketplace (SPM) and State-based Marketplace (SBM)?**

**ANSWER:** Yes. For information about the states in which HHS will operate a FFM in 2014, please reference the CCIIO website at <http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/state-marketplaces.html>.

**92. If a group wanted to inform consumers about the Marketplace and help them apply for and enroll in coverage, would the group be best served by becoming a designated CAC organization or by joining another organization that is a designated CAC?**

**ANSWER:** In FFMs, including SPMs, if a group wants to take on the responsibility of certifying and overseeing its staff and volunteers, it would be well-suited to serve as a designated CAC organization as long as it meets the criteria for designation. If the group would prefer not to perform those functions, or if the group does not meet the criteria to be designated as a CAC organization, its members may seek to affiliate themselves as staff or volunteers of another organization that has been designated as a CAC organization. However, there is no guarantee that any designated CAC organization will accept any given staff or volunteer applicant. In SBMs, because the Marketplace may have structured their CAC program differently, you should contact your state's Marketplace to see what is best for you and your organization.

**93. Will CMS provide marketing materials for CAC designated organizations to use?**

**ANSWER:** We do not anticipate providing CAC organizations with marketing materials as part of the CAC organization designation process or during the time in which the organization serves as a designated CAC organization. The main duties of CACs will be to provide information and assistance to consumers applying for and enrolling in coverage; CACs won't be required to perform outreach to consumers. However, we encourage those who wish to obtain official resources about the Marketplace to visit our website at: <http://marketplace.cms.gov/getofficialresources/get-official-resources.html>.

**94. Will paper applications to be a designated CAC organization be made available?**

**ANSWER:** Only on-line applications to be a designated CAC organization are available at this time. You may access the on-line CAC application at <http://marketplace.cms.gov/help-us/cac.html>.

**95. Are there any licensing requirements for the designated CAC organization or individual?**

**ANSWER:** No, there are no licensing requirements to be a designated CAC organization or individual certified application counselor in the FFMs and SPMs. CAC designated organization must meet the criteria outlined in guidance and its staff and volunteers must take the CAC training and pass the examination to obtain certification. The CAC designated organization and its certified CACs must comply with the CAC requirements, but that does not include any licensing requirements.

**96. Are CACs able to charge for their services?**

**ANSWER:** No, CACs cannot impose any charge on consumers for any assistance related to the Marketplace.

**97. Should CACs develop a relationship with Navigators? Are Navigators a resource for CACs?**

**ANSWER:** We encourage CACs to develop and maintain relationships with local Navigators. Navigators are a great resource for CACs to provide referrals in the event that the CAC is not able to provide the assistance a consumer requires. For example, if a consumer requires disability accommodations or language assistance that the CAC is not able to provide, a CAC should start by trying to locate a geographically accessible Navigator, since Navigators are required to be trained and tested on a disability and language access curriculum and to comply with accessibility laws and laws regarding culturally and linguistically appropriate services as recipients of federal funding.

**98. Do CAC Organizations have to be available 24/7?**

**ANSWER:** No, CAC organizations are not required or expected to provide CAC services outside normal hours of operation. In addition, after it designates an organization, the FFMs and SPMs will post on their websites an organization's hours of operation along with its contact information.

**99. Are CACs prohibited from registering consumers to vote while providing enrollment assistance in the Marketplace?**

**ANSWER:** Nothing prohibits CACs from registering consumers to vote.

**100. Can CACs assist consumers who have Medicare?**

**ANSWER:** Yes, CACs can assist Medicare beneficiaries. However, CMS will not provide detailed training materials on Medicare eligibility and enrollment. Therefore, we encourage CACs to refer consumers to other resources such as 1-800-MEDICARE or [Medicare.gov](https://www.medicare.gov) for the Medicare Ombudsman Center and other Medicare-approved resource assistance (which may be found on the internet at: <https://www.cms.gov/Center/Special-Topic/Ombudsman-Center.html>) when it is in the best interest of the consumer to do so.

**101. Are there penalties if an organization is not a designated CAC, but represents itself as one?**

**ANSWER:** Yes. An organization that misrepresents itself as a designated CAC to the public may be subject to fraud charges or violations of other applicable federal laws.

**102. Is a Champion for Coverage the same as a CAC?**

**ANSWER:** No. Champions for Coverage will help educate people about the Marketplace. They will not assist consumers with applying for and enrolling in coverage, which are the main duties of CACs. Champions for Coverage are also not required to complete the CMS-

approved training and examination that CACs must complete. To become a Champion for Coverage, go to <http://marketplace.cms.gov> and click on “Partner with Us.”

103. **Will CACs have to provide information to consumers in a manner that is accessible to individuals with disabilities and culturally and linguistically appropriate (CLAS Standards)?**

**ANSWER:** CACs are encouraged to be able to provide information to consumers in a manner that is accessible to individuals with disabilities. However, if CACs are unable to do so, they must make the appropriate referral to a Navigator, non-Navigator assistance personnel or the Marketplace call center. Likewise, if CACs are unable to provide information that is culturally and linguistically appropriate to the needs of the population being served, they must make the appropriate referral to a Navigator, non-Navigator assistance personnel or the Marketplace call center. As recipients of federal funding, Navigators are required to have standards in place to provide culturally and linguistically appropriate services and ensure access by person with disabilities.

104. **I am currently enrolled in Medicare. Do I need to apply for coverage through the Marketplace for 2014?**

**ANSWER:** If you are enrolled in Medicare, you already have coverage and do not need to take any action to apply for coverage through the Marketplace. Your current Medicare coverage meets the individual requirements to maintain coverage starting in 2014.

105. **My organization has volunteers who are federal employees. Are those federal employees eligible to be an individual CAC counselor?**

**ANSWER:** All federal employees must comply with federal conflict of interest and ethics standards and requirements. Whether or not it is permissible for a federal employee to serve as a CAC counselor may vary depending on the agency or entity for which the federal employee works. Each federal employee who wishes to be a CAC counselor in their capacity as a volunteer for a designated CAC organization should check with his/her agency’s ethics counselors.

106. **May designated CAC organizations work with Navigator grantees in their geographic area?**

**ANSWER:** Yes. For example, a hospital that is a designated CAC organization may establish a relationship with the local Navigator grantee to coordinate outreach if the hospital wishes to conduct outreach (CAC designated organizations may but are not required to do outreach), use each other’s space for assisting consumers, etc. Navigator grantees should be careful, however, not to use Navigator grant funding to pay for expenses for the CAC program or to compensate any staff or volunteers of either organization for performing CAC functions.