

Application Counselor Sponsoring Entity

Authority: Insurance Article §§31-106 and 31-113(r), Annotated Code of Maryland

.01 Scope.

In General. This Chapter applies to any community-based organization, health care provider, unit of state or local government, or other entity seeking designation as an Application Counselor Sponsoring Entity by the Maryland Health Benefit Exchange.

.02 Definitions.

- A. In this subtitle, the following terms have the meanings indicated.
- B. Terms Defined.
 - (1) “Applicant” means a community-based organization, health care provider, unit of state or local government, or other entity applying for designation as an Application Counselor Sponsoring Entity.
 - (2) “Application Counselor” has the meaning set forth in Insurance Article §31-101(a-1), Annotated Code of Maryland.
 - (3) “Application Counselor Sponsoring Entity” or “Sponsoring Entity” has the meaning set forth in Insurance Article §31-101(a-2), Annotated Code of Maryland.
 - (4) “Assister” means an individual employed or engaged by an Individual Exchange Connector Entity capable of providing the services set forth under Insurance Article §31-113(d)(2), Annotated Code of Maryland.
 - (5) “Commissioner” means the Maryland Insurance Commissioner.
 - (6) “Consolidated Services Center” has the meaning set forth in Insurance Article §31-101(c-2), Annotated Code of Maryland.
 - (7) “Individual Exchange” or “Exchange” has the meaning set forth in Insurance Article §31-101(h), Annotated Code of Maryland.
 - (8) “Individual Exchange Connector Entity” has the meaning set forth under Insurance Article §31-101(k), Annotated Code of Maryland.
 - (9) “Individual Exchange Navigator” has the meaning set forth under Insurance Article §31-101(c-2)(i), Annotated Code of Maryland.
 - (10) “Maryland Health Benefit Exchange” has the meaning set forth under Insurance Article §31-101(e), Annotated Code of Maryland.
 - (11) “Maryland Health Insurance Plan” has the meaning set forth under Insurance Article §14-501(j), Annotated Code of Maryland.

.03 Eligibility Requirements. To be eligible for designation as an Application Counselor Sponsoring Entity, an applicant shall:

- A. Employ or engage a certified Application Counselor;
- B. Enter into a formal written agreement with all employed or engaged certified Application Counselors whereby certified Application Counselors agree to comply with the provisions of the Application Counselor Training and Certification Standards and 45 CFR §155.225;
- C. Complete and submit to the Maryland Health Benefit Exchange the Application Counselor Sponsoring Entity application set forth under regulation .05 of this chapter;
- D. Agree to comply with the requirements set forth in the Application Counselor Sponsoring Entity application, including the requirements for oversight of its certified Application Counselors; and
- E. Comply with any applicable requirements of the Department of Health and Mental Hygiene and the Commissioner.

.04 Scope of Authority.

- A. A designated Application Counselor Sponsoring Entity may employ or engage certified Application Counselors to:
 - (1) Provide information to consumers about the full range of Qualified Health Plan and Qualified Dental Plan options and Insurance Affordability Programs, including Advance Premium Tax Credits and cost-sharing subsidies, the Maryland Medical Assistance Program, and the Maryland Children’s Health Program, for which they are eligible;
 - (2) Assist consumers with the application process for determining eligibility for Insurance Affordability Programs, including Advance Premium Tax Credits and cost-sharing subsidies, the Maryland Medical Assistance Program, and the Maryland Children’s Health Program;
 - (3) Facilitate plan selection and enrollment of eligible individuals in Qualified Health Plans, Qualified Dental Plans, and access to Advance Premium Tax Credit and other cost-sharing subsidies; and
 - (4) Provide to consumers uniform, factual, and unbiased information approved by the Maryland Medical Assistance Program about all participating Managed Care Organizations, including report cards, lists of enhanced benefits and covered services, and participating providers.
- B. A designated Application Counselor Sponsoring Entity may not permit certified Application Counselors to:
 - (1) Enroll Maryland Medical Assistance Program/Maryland Children’s Health Program eligible individuals into Managed Care Organizations; or

- (2) Express a personal or professional assessment about which Maryland Medical Assistance Program/Maryland Children's Health Program Managed Care Organization may be most appropriate for an eligible individual, may not make a Managed Care Organization selection on the applicant's behalf, and may not otherwise counsel an applicant about the selection of a Managed Care Organization; and
 - (3) Where a Maryland Medical Assistance Program/Maryland Children's Health Program eligible consumer seeks further counseling or additional assistance in choosing a Managed Care Organization, a designated Application Counselor Sponsoring Entity will instruct the certified Application Counselor to refer the consumer to the Consolidated Services Center or to an Individual Exchange Navigator, an Assister, or a Caseworker unaffiliated with the certified Application Counselor's designated Application Counselor Sponsoring Entity.
- C. An Individual Exchange Connector Entity may also be a designated Application Counselor Sponsoring Entity only under the following conditions:
- (1) No agent, employee or volunteer of the Individual Exchange Connector Entity may hold more than a single certification as either a Individual Exchange Navigator, an Assister, or a certified Application Counselor;
 - (2) All Individual Exchange Connector Entity grant funds must be wholly segregated from certified Application Counselor program funding;
 - (3) No certified Application Counselor may be compensated in whole or in part from Individual Exchange Connector Entity grant funding, and no Individual Exchange Navigator or Assister may be compensated in whole or in part from Application Counselor program funding;
 - (4) All utilities, computer systems, and other components of operations which are utilized jointly by both the Individual Exchange Connector and Application Counselor programs, including executive and administrative staff, shall be cost allocated as directed by the Maryland Health Benefit Exchange and Department of Health and Mental Hygiene in relation to the percentage of consumers served by the entity who are determined eligible for Maryland Medical Assistance Program/Maryland Children's Health Program, Advance Premium Tax Credits, cost-sharing subsidies, and who are enrolled into Qualified Health Plans and Managed Care Organizations; and
 - (5) No individuals seeking assistance in enrolling in a Managed Care Organization may be referred by a certified Application Counselor engaged by an Individual Exchange Connector Entity to an Individual Exchange Navigator or Assister employed by the same Individual Exchange Connector Entity, and no consumers served by an Individual Exchange Connector Entity Individual Exchange Navigator or Assister may be referred to or served also by a certified Application Counselor retained by the same Individual Exchange Connector Entity.

.05 Application Procedures.

- A. In order to obtain an Application Counselor Sponsoring Entity designation, the applicant shall submit to the Maryland Health Benefit Exchange:
- (1) An application on the form approved by the Maryland Health Benefit Exchange, after consultation with the Commissioner and the Maryland Department of Health and Mental Hygiene;
 - (2) An attestation that the applicant will notify the Maryland Health Benefit Exchange of any changes in information the applicant provides or to which the applicant attests on the application form within 30 days of such change;
 - (3) An attestation that the applicant will not impose a fee on individuals for services provided by certified Application Counselors employed or engaged by the applicant;
 - (4) An attestation that the applicant will disclose to the Maryland Health Benefit Exchange and to individuals to whom certified Application Counselors employed or engaged by the applicant provide services any relationships it has with a carrier, an insurance producer, or a third-party administrator or a managed care organization that participates in the Maryland Medical Assistance Program/Maryland Children's Health Program;
 - (5) An attestation that the applicant will act in the best interest of the individuals for whom the certified Application Counselors employed or engaged by the applicant are authorized to provide services;
 - (6) An attestation that the applicant will not receive compensation from a carrier, insurance producer, or a third-party administrator for enrollment services provided by certified Application Counselors employed or engaged by the applicant;
 - (7) An attestation that the applicant will not receive compensation from the Maryland Health Benefit Exchange for certified Application Counselor services;
 - (8) An attestation that the applicant will monitor the performance of its certified Application Counselors;
 - (9) An attestation that the applicant will enforce the required agreement set forth under regulation .03.B. of this chapter
 - (10) An attestation that the applicant will comply with all federal and state privacy and security standards, and will ensure that its certified Application Counselors also comply with these standards;
 - (11) An attestation that the applicant will operate within its scope of authority and ensure that it and its certified Application Counselors comply with the requirements set forth under regulation .04 of this chapter;
 - (12) An attestation that the applicant will comply with any applicable requirements of Department of Health and Mental Hygiene and the Commissioner; and
 - (13) An application fee to the extent permitted by law and in the manner specified by the Maryland Health Benefit Exchange.

- B. The Maryland Health Benefit Exchange may not consider an application to be complete until it has received all required materials.
- C. If the application is not completed with all required materials within 45 days after the Maryland Health Benefit Exchange receives the signed application form, the Maryland Health Benefit Exchange may consider the application withdrawn.
- D. The Maryland Health Benefit Exchange, in consultation with the Commissioner and the Maryland Department of Health and Mental Hygiene, shall approve or deny an application within 45 days after its completion and receipt of all required materials.
- E. Approval of an application will be contingent on the agreement of the Application Counselor Sponsoring Entity to execute an agreement in the form presented by the Maryland Health Benefit Exchange, after consultation with the Commissioner and the Maryland Department of Health and Mental Hygiene.
- F. In consultation with the Commissioner and the Maryland Department of Health and Mental Hygiene, the Maryland Health Benefit Exchange may exercise its discretion in approving an application and designating an entity as an Application Counselor Sponsoring Entity, taking into consideration:
 - (1) The applicant's ability to satisfy the requirements set forth in the application; and
 - (2) The resources, oversight capacity, and needs of the Maryland Health Benefit Exchange, the Connector Program, the Maryland Insurance Administration, the Department of Health and Mental Hygiene, and other outreach and enrollment efforts.

.06 Designation Term, Renewal, Reinstatement, and Suspension or Revocation

- A. Term. An Application Counselor Sponsoring Entity designation expires two years after the date it is issued unless it is renewed or revoked prior to that time.
- B. Renewal.
 - (1) Notice.
 - (a) At least 60 days before the expiration of an Application Counselor Sponsoring Entity designation, the Maryland Health Benefit Exchange shall notify the Application Counselor Sponsoring Entity directly at the entity's address, including email address, on file with the Maryland Health Benefit Exchange, of the expiration date of an Application Counselor Sponsoring Entity designation.
 - (b) The notification shall include:
 - (i) A renewal application;
 - (ii) The date by which the Maryland Health Benefit Exchange must receive the renewal application for the renewal to be issued before the designation expires; and
 - (iii) The amount of any renewal fee.
 - (2) Eligibility for Renewal. An Application Counselor Sponsoring Entity designation may be

renewed for an additional two-year term if the holder:

(a) Is otherwise entitled to receive Application Counselor Sponsoring Entity designation, in accordance with the eligibility requirements set forth under regulation .03 of this chapter;

(b) Files a timely renewal application on the form approved by the Maryland Health Benefit Exchange either by mail or electronically; and

(c) Pays to the Maryland Health Benefit Exchange a renewal fee to the extent permitted by law and in the manner specified by the Maryland Health Benefit Exchange.

- C. Reinstatement. For up to 1 year after the expiration of a designation, an entity whose Application Counselor Sponsoring Entity designation has expired may apply to reinstate the expired designation in accordance with the requirements set forth herein.
- D. Withdrawal of Designation. The Maryland Health Benefit Exchange, in consultation with the Commissioner and Department of Health and Mental Hygiene, shall withdraw an Application Counselor Sponsoring Entity designation for any violation of the terms and conditions of the Application Counselor Sponsoring Entity application set forth under regulation .05A. of this chapter pursuant to the process set forth under the agreement between the Maryland Health Benefit Exchange and the Application Counselor Sponsoring Entity.