

## ***Application Counselor Training and Certification Standards***

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

### **.01 Scope.**

This Chapter sets forth the qualifications, training, and certification standards for an agent, employee or volunteer of an Application Counselor Sponsoring Entity who applies to receive an Application Counselor certification and is required under Insurance Article, § 31-113(r)(1)(ii), Annotated Code of Maryland to hold an Application Counselor certification to provide the services set forth below.

### **.02 Definitions.**

- A. In this subtitle, the following terms have the meanings indicated.
- B. Terms Defined.
  - (1) “Applicant” means an agent, employee or volunteer of an Application Counselor Sponsoring Entity who is applying for certification as an Application Counselor.
  - (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) “Insurance Affordability Programs” has the meaning set forth at 42 CFR §435.4.
  - (9) “Individual Exchange Connector Entity” has the meaning set forth in Insurance Article §31-101(k), Annotated Code of Maryland.
  - (10) “Individual Exchange Navigator” has the meaning set forth under Insurance Article §31-101(c-2)(i), Annotated Code of Maryland.
  - (11) “Maryland Health Benefit Exchange” has the meaning set forth under Insurance Article §31-101(e), Annotated Code of Maryland.

### **.03 Eligibility Requirements.**

- A. To qualify for an Application Counselor certification, an applicant shall:
- (1) Be of good character and trustworthy;
  - (2) Be at least 18 years old;
  - (3) Be an agent, employee or volunteer of an Application Counselor Sponsoring Entity;
  - (4) Not be an Individual Exchange Navigator or Assister;
  - (5) Enter into a formal written agreement with an Application Counselor Sponsoring Entity agreeing to comply with the provisions of this chapter and 45 CFR §155.225;
  - (6) Successfully complete and comply with any ongoing requirements of the training program set forth under regulation .06 of this chapter;
  - (7) Complete and submit to the Maryland Health Benefit Exchange an Application Counselor application set forth under regulation .05 of this chapter;
  - (8) Agree to comply with the requirements set forth in the Application Counselor application; and
  - (9) Comply with any applicable requirements of the Department of Health and Mental Hygiene and the Commissioner.

#### **.04 Scope of Authority**

- A. A certified Application Counselor may:
- (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 certified Application Counselor may not 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.
- C. 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 certified Application Counselor shall 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.
- D. A certified Application Counselor may not hold an Individual Exchange Navigator certification or be an Assister.

**.05 Application Procedures.**

- A. In order to obtain an Application Counselor certification, 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 to information that 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 to whom the applicant provides services;
  - (4) An attestation that the applicant will disclose to the Maryland Health Benefit Exchange, the Application Counselor Sponsoring Entity and individuals to whom the applicant provides services any relationships it has with a carrier, an insurance producer, 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 applicant is authorized to provided services;
  - (6) An attestation that the applicant will not receive compensation from a carrier, insurance producer, or a third-party administrator for enrollment services;
  - (7) An attestation that the applicant will not receive compensation from the Maryland Health Benefit Exchange;

- (8) An attestation that the applicant will comply with all State requirements, restrictions, and conflict of interest rules applicable to Individual Exchange Navigators;
  - (9) An attestation that the applicant will comply with the required agreement set forth under regulation .03.A.5. of this chapter;
  - (10) An attestation that the applicant will comply with all federal and state privacy and security standards;
  - (11) An attestation that the applicant will operate within the applicant's scope of authority and ensure that he or she complies 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;
  - (13) An application fee if permitted by law and in the manner specified by the Maryland Health Benefit Exchange; and
  - (14) Evidence that the applicant has successfully completed the Maryland Health Benefit Exchange Application Counselor certification training program.
- B. The 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.

**.06 Training Requirements.**

In order to obtain Application Counselor certification, an individual shall:

- A. Complete the training program specified under COMAR 14.35.02.04A; and
- B. Successfully pass the examination specified under COMAR 14.35.02.04D.

**.07 Term.**

An Application Counselor certification expires 2 years after the date it is issued unless it is renewed.

**.08 Renewal.**

An Application Counselor holding a Maryland Health Benefit Exchange certification shall apply for renewal of the certification in accordance with the requirements set forth under COMAR 14.35.03.02.

**.09 Reinstatement.**

For up to 1 year after the expiration of a certification, an individual whose Maryland Health Benefit Exchange certification has expired may apply to reinstate the Maryland Health Benefit Exchange certification in accordance with the requirements set forth under COMAR 14.35.03.03.

**.10 Suspension or Revocation.**

- A. The Commissioner may suspend or revoke an Application Counselor certification for any reason set forth in the Insurance Article, §31-113(r), Annotated Code of Maryland or 45 CFR §155.225.
- B. (1) An Application Counselor's certification is automatically suspended if his or her Application Counselor Sponsoring Entity's designation expires or is withdrawn by the Maryland Health Benefit Exchange.  
  
(2) An Application Counselor's certification which has been suspended under .10B (1) may be reinstated if the Application Counselor becomes an agent, employee, or volunteer of another Application Counselor Sponsoring Entity with a valid designation and executes the agreement required under .03A(5) of these interim procedures.