



# Application Counselor Program Manual

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## Introduction

The purpose of this program is to designate organizations who will agree to sponsor and monitor one or more employees who will become Application Counselors and assist Maryland residents to apply and enroll in health coverage through Maryland Health Connection. Organizations are designated for two-year terms, renewable upon mutual agreement for subsequent two-year terms. It is important to note the designation does not provide any organization entitlement to funds from the Maryland Health Benefit Exchange (MHBE). However, as a sponsoring organization you will be doing vital work – in many cases, work consistent with your organization’s central mission – and partner with dozens of other individuals and groups across the state working to reduce the number of uninsured in Maryland.

## Background

Since the passage of the Affordable Care Act & the implementation of Maryland Health Connection, the uninsured rate is an average of 5% in the state of Maryland. Many consumers became insured because of expanded Medicaid eligibility and subsidized insurance affordability products offered through Maryland Health Connection. The State of Maryland and the Maryland Health Benefit Exchange (MHBE) have developed consumer assistance programs to assist consumers with eligibility and enrollment. Among these is the Application Counselor Program.

Pursuant to the COMAR Application Counselor Program Designation regulations (*COMAR Subtitle 35.14.35.12 and 35.14.35.13*) the MHBE may designate community-based organizations, health care providers, units of state and local government, or other entities within specific regions of the state to perform enrollment activities through Application Counselors.

Application Counselors are employed or engaged by these designated Application Counselor Programs to assist individuals with the application process for determining eligibility for Medicaid, Maryland Children’s Health Program (MCHP), advance premium tax credits and cost sharing reductions, and may facilitate individuals in enrolling in private health plans and dental only plans offered through Maryland Health Connection. Application Counselors may not enroll consumers in MCOs.

*Statutory and Regulatory Authority:* The Maryland Health Progress Act of 2013 established the Application Counselor Program. It is built on the Patient Protection and Affordable Care Act (PPACA) and PPACA’s implementing regulations. Further, on June 8, 2015, the MHBE published and the Board of Trustees adopted procedures implementing the Application Counselor Organization program.

## Application Counselor Program Duties<sup>1</sup>

1. A designated Application Counselor Program may employ or engage Application Counselors to:
  - a. Provide information to consumers about the full range of private health and dental plan options and insurance affordability programs, including Advance Premium Tax Credits, the Maryland Medical Assistance Program, and the Maryland Children's Health Program, for which they are eligible;<sup>1</sup>
  - b. Assist consumers with the application process for determining eligibility for insurance affordability programs, including Advance Premium Tax Credits, the Maryland Medical Assistance Program, and the Maryland Children's Health Program;
  - c. Facilitate plan selection and enrollment of eligible individuals in private health and dental plans, and access to advance premium tax credits;
  - d. Provide to consumers uniform, factual, and unbiased information approved by the Maryland Medical Assistance Program about all participating managed care organizations, including report cards and lists of enhanced benefits, covered services, and participating providers.
2. A designated Application Counselor Program may not permit Application Counselors to:
  - a. Enroll Maryland Medical Assistance Program/Maryland Children's Health Program eligible individuals into managed care organizations; or
  - b. 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; or
  - c. Create a new account for a consumer or encourage a consumer to create a new account without first checking to see if they have one: or
  - d. Obtain, retain, or use the consumer's credentials to access mhc.gov; or
  - e. Be an authorized representative for the consumer; or
  - f. Outreach by phone to consumers to initiate or update an application
3. When 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 Organization shall instruct the Application Counselor to refer the consumer to the Maryland Health Connection call center or a local health department or local department of social services caseworker unaffiliated with the Application Counselor's designated Application Counselor Organization.

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<sup>1</sup> Authority: Insurance Article, §§31-106 and 31-113(r), Annotated Code of Maryland

4. A consumer assistance organization that oversees regional navigators may also be a designated Application Counselor Program only under the following conditions:
  - a. No agent, employee, or volunteer of the navigator program may hold more than a single certification as either a navigator or an Application Counselor;
  - b. All navigator program grant funds must be wholly segregated from Application Counselor program activities and financial support;
  - c. No Application Counselor may be compensated in whole or in part from navigator program grant funding;
  - d. All utilities, computer systems, and other components of operations that are utilized jointly by both the navigator program and the Application Counselor Program, including executive and administrative staff, shall be cost allocated as directed by the Maryland Health Benefit Exchange and the Maryland Department of Health.

## Application Counselor Program Goals and Target Population

The primary goal of the Application Counselor Program is to enroll all eligible and uninsured individuals into health coverage, including Medicaid, Maryland Children's Health Program, private health plans and private dental plans. The Application Counselor Program is best suited for those organizations that demonstrate an extensive history of reaching uninsured individuals in their communities.

## MHBE Infrastructure to Support Application Counselors

MHBE has developed an infrastructure to support consumers learning about and enrolling in health insurance. Application Counselors will leverage these resources to assist consumers, and Application Counselor Programs will in turn report this information to MHBE. Below is a summary of the infrastructure and specific capabilities and resources available to the Application Counselor Program and Application Counselors.

1. Maryland Health Connection website ([www.marylandhealthconnection.gov](http://www.marylandhealthconnection.gov))

Maryland Health Connection is a full-service website and marketplace that provides consumers with one-stop shopping for health insurance coverage. Individuals use the website to research health coverage options, determine eligibility for insurance affordability programs, and enroll in health plans.

The website is available in English and Spanish. The system will securely store consumers' information, eliminating the need to collect the same information more than once throughout the enrollment process, even if the consumer switches between assistance programs.

To access the Maryland Health Connection eligibility and enrollment system, Application Counselors will need computers that connect to the internet with one of the following minimum browser requirements:

- Google Chrome 14+
- Internet Explorer 9 or 10

Application Counselors should have printing and scanning capabilities to scan identification and/or verification documents. Application Counselors also may need to print completed applications and/or enrollment information.

Application Counselor Programs will be required to have the ability to monitor the performance of employed or engaged Application Counselors.

## 2. The Maryland Health Connection Call Center

The Maryland Health Connection Call Center provides a spectrum of services to enable a seamless experience for consumers, including responding to basic questions, providing eligibility and enrollment support services, providing website access support, and providing Application Counselor and Producer support services. The call center also supports interpreter services for consumers and offers a language line for enrollment and customer support. During open enrollment, the call center hours are extended.

The call center accepts referrals from Application Counselors. Application Counselors also may utilize the call center for information and technical assistance by calling a dedicated support line (844) 649-5848. Application Counselors will need their certification number when calling the dedicated support line.

## 3. Managed Care Organization Materials

The Maryland Medical Assistance Program will provide preapproved, uniform, factual, and unbiased information about all Managed Care Organizations (MCO) participating in the Medicaid program, including report cards and lists of enhanced benefits, covered services, and participating providers. These are the sole materials the Application Counselors may use to provide consumers MCO selection information.

#### 4. MHBE

The MHBE offers supplementary & resource materials on the stakeholder website:

<https://www.marylandhbe.com/applicationcounselorprogram/>.

Partner resources can also be found here: <https://www.marylandhealthconnection.gov/resources-and-fact-sheets/>.

Additionally, there is a dedicated email for Application Counselors and Application Counselor Program organization points of contact who require assistance: [acse.cac@maryland.gov](mailto:acse.cac@maryland.gov).

**REMINDER – no consumer PII (personally identifiable information) should ever be sent via email.**

#### 5. Consumer Assistance Organizations (Navigator Program)

The Consumer Assistance organization or partnership of organizations engages or employs certified navigators who provide outreach, health literacy, and assistance with application and enrollment into insurance affordability programs offered on Maryland Health Connection. There is one Consumer Assistance organization for each of the eight regions of the state established by the MHBE. Each Application Counselor Program shall affiliate with at least one Consumer Assistance organization. The Consumer Assistance organization will provide support to the Application Counselor Program and its Application Counselors to help leverage resources, augment training, and share best practices and program and system information and updates.

Consumer Assistance Regions



Consumer assistance organizations (navigator program) information can be found here::

<https://www.marylandhealthconnection.gov/wp-content/uploads/2020/10/CE-list-with-name-phone-website-for-MHC-website.pdf>

## Regional Application Counselor Program Distribution

The number of Application Counselor Programs will be determined by the MHBE based on its assessment, in consultation with the Insurance Commissioner, of overall outreach and consumer assistance needs/demand, and the state's available resources for the necessary oversight and management of the program. Each prospective Application Counselor Program must indicate the number of Application Counselors it expects to employ or engage.

Entities may seek designation in one or more of the eight consumer assistance regions. The MHBE reserves the right to reevaluate the geographic configuration and service areas after the program is operational and adjust as needed.

## Oversight and Compensation Financial Sustainability<sup>2</sup>

Unlike the Consumer Assistance Organizations, the designation of an entity as an Application Counselor Program by the MHBE comes with no funding from the State of Maryland. The statutory and regulatory conflict of interest requirements<sup>3</sup> regarding both the Application Counselor and the Application Counselor Program require that neither receive compensation from a carrier, insurance producer, a third-party administrator or a managed care organization for enrollment services provided by Application Counselors. Thus, it is critically important to ensure that an entity seeking designation by MHBE as an Application Counselor Program is financially sustainable and able to support its enrollment efforts.

State and federal law have specific prohibitions on compensation for Application Counselors. Specifically, Application Counselors may not be compensated by a carrier, insurance producer, or third-party administrator for their services as Application Counselors as stipulated by Insurance Article, § 31-113(r)(2)9V), Annotated Code of Maryland.

## Responsibilities of the Application Counselor Program

Application Counselor Programs will be required to report performance metrics on consumer assistance by Application Counselors. Statistics are collected on a monthly basis and should be

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<sup>2</sup> 2 COMAR 35.14.35.12. *Application Counselor Sponsoring Entity Designation Standards*

submitted via the Survey Monkey link distributed. The Application Counselor Program may gather all the statistics and roll them up into one submission or they may share the link and allow each Application Counselor to enter their individual statistics. The following performance measures should be submitted:

- Current number of ACs
- How many new ACs were added in the last month
- How many enrollments were completed in the previous month

These reports may be shared from time to time with MHBE's Board of Trustees and other stakeholders. Failure to submit stats consistently may result impact the organization's ability to renew designation.

Application Counselor Programs will be required to ensure that their Application Counselors assist ***in person*** only & complete a Consent/Disclosure of Interest form with each consumer that they assist with an application &/or enrollment on marylandhealthconnection.gov. This form covers a period of one year. These forms must also be uploaded to the consumer's account in marylandhealthconnection.gov. Additionally, Application Counselors must ensure their staff do not act as authorized representatives for their consumers, file appeals/case reviews on behalf of consumers, obtain or log in using consumer's credentials, or complete the Penalty of Perjury statement themselves. Consumers must sign their own Penalty of Perjury statements in the system.

Application Counselor Programs will be required to have their program represented at each meeting, either by the point of contact for the program, or by a designated staff member who can disseminate information provided to the rest of the staff.

Lastly, Application Counselor Programs are required to ensure their staff remains in compliance. This includes adhering to the regulatory guidelines for onboarding training, as well as renewing timely & completing Annual Training before the due date.

## Application Counselor Meetings

MHBE hosts a monthly meeting for the Application Counselor Program. Application Counselor Program points of contact and Application Counselors are encouraged to attend. Each organization is required to have at least one member of their staff attend, as it an important forum for sharing new eligibility policy, system updates, partnership opportunities, challenges, and workarounds. Meetings are currently virtual. Meeting recaps & any materials presented during the meeting will be distributed to all Application Counselor and Application Counselor Program points of contact after the meeting.



## Ongoing Training Opportunities

MHBE hosts additional training webinars often, such as Hot Topic webinars. All Application Counselors are encouraged to attend these training sessions. These sessions are recorded & placed in the Adobe LMS so if staff is unable to attend, they are responsible for reviewing the recordings afterwards to ensure they remain current on policy & system information. Additionally, Policy Pointers, Training tips, etc, are shared via Adobe LMS. Application Counselor Programs should ensure their staff are reviewing all training materials timely.

## Application Counselor Training, Testing, Credentialing

Prospective Application Counselors must apply using the Salesforce link provided once their sponsoring organization is approved. Once the prospective Application Counselor's application is approved, training and testing must be completed within 45 days. This information, as well as the due date, is relayed to the prospective Application Counselor via email at the time the application is approved. Please ensure any prospective Application Counselors are aware of this deadline.

The training is web-based and self-paced. The test is administered remotely in an electronic environment. Specific instructions for training and testing are provided to approved individuals. Please ensure that prospective Application Counselors are following the steps in the Step by Step guide regarding training requirements & registering for the exam before the deadline.

If training and testing is not completed within 45 days, a potential Application Counselor must reapply and begin the process again.

If a potential Application Counselor does not pass the exam with a passing score of 75% or more after three attempts, there is a one year wait before they may apply and test again.

Once certified, an Application Counselor is notified via email and mailed a copy of their certificate. A certification period lasts two years. Application Counselors are sent renewal instructions 60 and 30 days prior to the certificate expiration date.

In addition, each Application Counselor must complete Annual training, regardless of certification date. If an Application Counselor fails to complete the required Annual training, certification will be suspended until the training is completed.

## Application Counselor Program Certification

The Application Counselor Program certification period is two years. When the certificate expiration date is approaching, MHBE will notify Application Counselor Program points of contact with renewal information. If a program fails to submit a renewal application, their certification will be suspended, as well as the certification for all staff employed by or otherwise engaged with that organization.

## Application Counselor Breach Reporting

The person responsible for Application Counselor Program should refer to their Non-Exchange Entity Agreement for a full list of their responsibilities regarding PII (personally identifiable information).

## Glossary of Terms

For the purpose of this program, the following terms are defined as:

Term	Definition
<b>Advance Premium Tax Credit (APTC)</b>	Financial subsidies for individuals whose Modified Adjusted Gross Income (MAGI) is up to 400% of the poverty level who enroll in a private health plan through the marketplace.
<b>Application Counselor</b>	Individuals who have completed training and received certification to provide information to consumers about the full range of private health and dental plan options and Insurance Affordability Programs, assist consumers with the application process for determining eligibility for Insurance Affordability Programs, facilitate plan selection and enrollment of eligible individuals in private health and dental plans, and access to advance premium tax credit and other cost-sharing subsidies; and provide consumers uniform, factual, and unbiased information approved by the Maryland Medical Assistance Program about all participating Managed Care Organizations. Application Counselors must always be employed or engaged by Application Counselor Programs to maintain an active certification.

<b>Application Counselor Program</b>	Community-based organizations, health care providers, units of state or local government, or other entities designated by MHBE within specific regions of the state to perform enrollment activities through their employed or engaged Application Counselors.
<b>Authorized Producer</b>	A licensed insurance producer (also sometimes called broker or agent) who has been authorized to use Maryland Health Connection to enroll Marylanders in private health and dental plans. These individuals hold a license issued by the Maryland Insurance Commissioner and are authorized by MHBE to sell plans on Maryland Health Connection.
<b>Commissioner</b>	Maryland Insurance Commissioner
<b>Consumer Assistance Organization</b>	A community-based organization or other entity or partnership of entities authorized by the MHBE and that employs or engages individual navigators.
<b>Insurance Affordability Programs</b>	Collectively, advance premium tax credits and cost-sharing subsidies, the Maryland Medical Assistance Program, and the Maryland Children's Health Program.
<b>Managed Care Organization (MCO)</b>	A private health insurer that accepts payment from the state to manage a Medicaid or Maryland Children's Health Program recipient's benefits.
<b>Maryland Children's Health Program (MCHP)</b>	Public health insurance program funded under Title XXI of the Social Security Act for qualifying low-income children up to age 19 and pregnant women of any age.
<b>Maryland Health Benefit Exchange (MHBE)</b>	The unit of state government responsible for designing and administering Maryland Health Connection.
<b>Maryland Health Connection</b>	The state health insurance marketplace where Maryland residents and small businesses may shop for and compare health insurance plans, qualify for cost-sharing subsidies and tax credits, and complete the enrollment process.
<b>Maryland Insurance Administration (MIA)</b>	The independent state agency that regulates Maryland's insurance industry and protects consumers by enforcing insurance laws. Oversees Application Counselor Organization program in compliance with state law.
<b>Maryland Medical Assistance Program</b>	The state Medicaid program.

<b>Dental-only Plan</b>	A dental plan that has been certified by and is sold on the marketplace.
<b>Private Health Plan</b>	A health insurance plan that has been certified by MHBE and is sold on the Maryland Health Connection marketplace.