

# PRIMER:

## OUTREACH, EDUCATION, ADOPTION & ENROLLMENT

This document provides the Outreach, Education, Adoption & Enrollment Work Group with an overview of statutory and regulatory guidance on exchange outreach, education, adoption, and enrollment activities, as well as the critical questions the Task Force is asked to answer. Navigators are discussed in this Work Group in conjunction with enrollment activities. Work Group members should develop and record recommendations, and submit them to the Advisory Task Force and the New Mexico Human Services Department.

*New Mexico  
Health  
Insurance  
Exchange  
Advisory  
Task Force*



## **Background Information**

### ***Producers and Navigators***

#### *General:*

PPACA (§1311(i)) requires the state exchange to establish a “Navigator Program” that will provide outreach, education, and enrollment services for the exchange-eligible populace. In addition to a consumer-focused nonprofit group, the U.S. Department of Health & Human Services (HHS) has stated that at least one more of the following entities must serve as navigators:

- Community and consumer-focused nonprofit groups
- Trade, industry, and professional associations
- Commercial fishing industry organizations, ranching and farming organizations
- Chambers of commerce
- Unions
- Resource partners of the small business administration
- Licensed producers (i.e., insurance agents and brokers)
- Indian tribes
- State or local human service agencies
- Other public or private entities or individuals

Health insurance issuers, or any subsidiaries of the insurance industry who receive consideration directly or indirectly from issuers inside or outside the exchange, are explicitly prohibited from being navigators.

#### *Roles and Compensation:*

Navigators will be compensated by grants funded through the operation of the exchange. HHS has stated navigators may not receive any form of consideration from insurance issuers in connection with enrollment in health plans inside or outside of the exchange. Therefore, while producers already provide many of the enrollment services that navigators may be able to perform, according to HHS, when serving as navigators they would not be permitted to receive compensation from a health insurance issuer for enrolling individuals in health plans. As such, another model of compensation may need to be developed for brokers acting as navigators.

Producers may facilitate enrollment in the exchange without participating as navigators—provided they are registered with the exchange and have received training in the range of QHP options and programs. Within these parameters, HHS has given the states the authority to decide how producers may participate in the exchange.

#### *Training and Certification:*

According to state law, agents and solicitors in New Mexico may not transact, solicit, countersign, or take an application for insurance without a license. HHS has indicated that navigators will not be required to be licensed by the state as agents and has deferred to the states to prescribe licensing, certification, or other standards for navigators. HHS plans to issue training model standards for navigators in forthcoming guidance.

In developing the Navigator Program, New Mexico must be mindful of the costs, as these costs may ultimately be passed on to the consumer. As mentioned above, navigators will be compensated by grants funded through the operation of the exchange.

### ***Communications and Marketing***

States are encouraged to leverage existing resources for their exchange marketing efforts, including working with issuers to determine how they can participate most effectively. New Mexico has strong, existing networks for outreach and education that can be leveraged to educate the public on the exchange. These various organizations understand the needs of New Mexico's diverse populations and how to engage them. A variety of efforts may be needed to assist all eligible populations in exchange education and enrollment.

### ***Additional Resources***

[Patient Protection and Affordable Care Act of 2010](#), P.L. 78–82, Sections 1311(i) and 1312(e)

[Patient Protection and Affordable Care Act; Establishment of Exchanges and Qualified Health Plans](#), 45 CFR Parts 155 & 156, Federal Register Vol. 76 No. 136 (Jul 15, 2011)

[Patient Protection and Affordable Care Act; Establishment of Exchanges and Qualified Health Plans; Exchange Standards for Employers](#), 45 CFR Parts 155, 156, & 157, Federal Register, Vol. 77 No. 59 (Mar 27, 2012); §155.205-§155.220

New Mexico Statutes §59A-12 (2011)

### **Questions**

#### A. Producers/Navigators

1. What is the role of navigators vs. producers (i.e., insurance agents and brokers)? May producers also be navigators and vice versa?
2. What should the training and certification process be for navigators? What type of oversight is required for navigators and who should be charged with this oversight?

#### B. Communications and marketing

1. What marketing channels should the state engage in to raise awareness of an exchange and consumer options?
2. What elements should be included in public relations and advertising campaigns to drive enrollment in the exchange? What points of contact should be made (e.g., schools, churches, community centers, etc.)?

*Please track additional questions that may emerge as part of this process. Work Group Leader will summarize the recommendations from this group. Please submit any questions or written recommendations to the Work Group Leader.*