

**Organizations Supporting Application Counselor Sponsoring Entity**

Advocates for Children and Youth

Baltimore Healthy Start

Community Behavioral Health Association of Maryland

Community Health Integrated Partnership

League of Women Voters of Maryland

Maryland Addictions Directors Council

Maryland Assembly on School-Based Health Care

Maryland Association of Core Service Agencies

Maryland Community Health System

Maryland Dental Action Coalition

Maryland Women's Coalition for Health Care Reform

Mental Health Association of Maryland

National Council on Alcoholism and Drug Dependence

Planned Parenthood of Maryland

Primary Care Coalition of Montgomery County

Progressive Cheverly

Public Justice Center

Unitarian Universalist Legislative Ministry of Maryland

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University of Maryland Carey School of Law, Drug Policy and Public Health Strategies Clinic

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**Application Counselor Sponsoring Entity**

Section	Comments
Scope	
Definitions	
Eligibility Requirements	
Scope of Authority	<p>We are deeply concerned about the provisions that limit the ability of the application counselor and their sponsoring entity from assisting consumers in the selection of a managed care organization (MCO). These limitations will have a significant negative impact on the ability for consumers to complete the Medicaid eligibility and enrollment process:</p> <ul style="list-style-type: none"><li>• <b>Disruption in process will delay or prevent consumers from completing enrollment:</b> When a consumer is determined to be eligible for Medicaid during a meeting with an application counselor, the draft proposed regulations abruptly terminate the session and require the counselor to refer the consumer to the Consolidated Call Center or to another organization with a navigator/assistor for assistance in MCO selection. This disruption will result in significant delays for consumers who need assistance in MCO plan selection. Some consumers will likely not complete the enrollment process, leaving them without coverage. Given that the underlying principle in establishing the different consumer assistor roles is to help consumers gain coverage, it should be Maryland’s policy to use these consumer assistors to the fullest extent possible, and there is no reason to create such a limitation; and</li></ul>

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	<ul style="list-style-type: none"> <li> <b>Restrictions will discourage organizations from becoming sponsoring entities and thus consumers will have fewer options:</b> Many organizations have developed valuable expertise in providing services to the uninsured and Medicaid populations throughout the eligibility and enrollment process, including counseling patients about MCO options. In particular, many community-based organizations, including community health centers and behavioral health programs, have great potential to assist hard-to-reach consumers because of their longstanding ties to underserved communities and populations. Organizations must make a significant investment to become sponsoring entities and employ application counselors. If the organization would be forced to curtail its existing operations and provide more limited support to clients in order to become a sponsoring entity, , it may make sense for some organizations to invest their scarce resources elsewhere. The restrictions on application counselors will discourage organizations from becoming sponsoring entities, and thus consumers will have fewer options for assistance. Maryland should adopt policies that encourage broader participation of organizations in the sponsoring entity program.         </li> </ul> <p><b>Our recommendation is to amend the draft regulations to allow: 1) application counselors to assist with MCO selection; and 2) application counselors to refer a consumer with MCO selection questions to a navigator or assistor affiliated with the sponsoring entity.</b> It is notable that the draft regulations require application counselors to disclose any relationship between the sponsoring entity and a carrier, producer, MCO, or third-party entity. Such a disclosure is consistent with the principles of transparency and is an appropriate way to address any real or perceived conflicts of interest.</p>
<p><b>Application Procedures</b></p>	<p><b>We have recommendations regarding the draft regulations and the current application process for sponsoring entities:</b></p> <ul style="list-style-type: none"> <li>           On A (2), we have a concern that the requirement to notify the MHBE of any changes in information that the applicant provides within 30 days is onerous and not implementable. The application for sponsoring entities is lengthy and detailed. We are not aware of any licensure requirement in the         </li> </ul>

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	<p>State where the applicant must notify the licensing agency of any change in information. <b>We recommend that this provision be modified to identify the key information about which the MHBE is concerned. We also recommend reconsideration of whether the 30 days is a reasonable timeframe, depending on which information is of concern to the MHBE.</b></p> <ul style="list-style-type: none"> <li>• <b>On A (7), we are unclear as to what this provision means, and we ask for clarification.</b> Does it mean individual compensation packages for application counselors? Does it mean compensation policies for application counselors?</li> <li>• <b>On A (12), we are unclear as to what an oversight plan means, and we ask for clarification.</b> Does it mean a plan for accountability and integrity? Does it mean a general management plan?</li> <li>• <b>On A (13), we recommend that the language be amended as follows: “an attestation that the applicant will comply with all <u>APPLICABLE</u> federal and state privacy and security standards, and will ensure that its certified application counselors also comply with these standards. <u>THE MARYLAND HEALTH BENEFIT EXCHANGE WILL PROVIDE ALL APPLICABLE FEDERAL AND STATE PRIVACY AND SECURITY STANDARDS TO THE SPONSORING ENTITY.</u>”</b> We believe that this language will provide more clarity to the sponsoring entities.</li> <li>• <b>On A (15), we are unclear of what “applicable requirements” may entail and ask for clarification.</b></li> <li>• <b>On C, we recommend the addition of the following language: “<u>THE MARYLAND HEALTH BENEFIT EXCHANGE WILL NOTIFY THE APPLICANT WITHIN 15 DAYS OF RECEIPT OF THE APPLICATION OF WHETHER OR NOT THE APPLICATION IS COMPLETE. IF THE APPLICATION IS NOT COMPLETE, THE MARYLAND HEALTH BENEFIT EXCHANGE WILL INDICATE WHAT INFORMATION IS NEEDED TO COMPLETE THE APPLICATION.</u>”</b> This additional language will help ensure that sponsoring entities are aware of the status of their application and have sufficient notice about any missing</li> </ul>

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	<p>information.</p> <p>In addition to the proposed regulations we have two recommendations related to the existing process for applications for sponsoring entities:</p> <ul style="list-style-type: none"> <li>• The current application process is unnecessarily burdensome, does not accurately reflect the requirements of the program, and will continue to prevent smaller community-based organizations from applying to become sponsoring entities until it is streamlined. In December 2013, the Exchange responded to public questions by emphasizing that programs would not be required to expand beyond their normal business operations or program structure to serve as sponsoring entities. However, the application continues to require a five-part “Technical Proposal” including a broad outreach and education plan for reducing the uninsured population and a description of in-house training for counselors beyond the mandatory training provided by the Exchange. Applicants must also review and sign an 11-page legal contract (Trading Partner Agreement) at the time of submission. <b>We recommend that the MHBE developed a more concise, streamlined application, and provide technical assistance to interested applicants, as we believe the length of application and the information required has discouraged organizations from applying to be sponsoring entities.</b> As stated previously under the scope of the authority section, we believe that Maryland policy should encourage organizations that have relationships with hard-to-reach populations to become sponsoring entities to help ensure that all consumers have the opportunity to work with consumer assistors to complete the eligibility and enrollment process.</li> <li>• The regulations seem to indicate that this will be a rolling application process, yet under the current process for becoming a sponsoring entity, it appeared as though the MBHE will only accept applications once a year. <b>We recommend that the MHBE create a rolling application process to encourage more organizations to become sponsoring entities.</b></li> </ul>
<p><b>Designation Term, Renewal, Reinstatement, and Suspension</b></p>	

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<b>Section</b>	<b>Comments</b>
<b>or Revocation</b>	