



To: Members of the Silver State Health Insurance Exchange
From: Elisa Cafferata, President & CEO, NAPPA
Re: Concerns regarding the Navigator Program , Agenda Item VI. Navigator update
Date: For October 8, 2015 SSHIX meeting

Thank you for the opportunity to offer written feedback regarding the navigator program. We offer this feedback on behalf of our health center operations as well as on behalf of our clients.

We are concerned with the move to use EEF as support staff for producers / brokers.

In the update on Navigators for your Oct. 8th agenda, the SSHIX memo notes:

Navigators will be prioritizing outreach and education to underserved and hard to reach populations during open enrollment while assisting Brokers during special events that have been predetermined by the Exchange. Navigators will also work collectively with our marketing and outreach events by Penna Powers.

At this time, the Marketing & Open Enrollment Update is not available so it is difficult to get a clear picture of the marketing and outreach work.

We have several concerns with this change in the direction of the navigators / exchange enrollment facilitators' work:

1. As originally envisioned in the Affordable Care Act, the exchange enrollment facilitators and navigators would be selected for their connections in underserved and hard to reach populations. If the SSHIX is now selecting and orchestrating the events that navigators etc. will attend, they are essentially ignoring the work of and the expertise these folks are supposed to bring to the process.
2. It was clear from the beginning of the Affordable Care Act that navigators were required BY LAW to remain neutral and to NOT give preference to any specific insurance product. By requiring the exchange enrollment facilitators and navigators to assist brokers or producers, the SSHIX appears to be moving in a direction that is the opposite of federal guidance.

A background paper from Families USA provides a summary:

The Affordable Care Act requires exchanges to establish a navigator program, using entities that have, or could readily form, relationships with people likely to be qualified to enroll in plans through an exchange. The navigator program will conduct public education, **distribute “fair and impartial information” concerning enrollment**, premium credits, and cost-sharing reductions; facilitate enrollment; provide referrals to consumer assistance resources if problems arise; and provide information in a manner that is culturally and linguistically appropriate. As noted in the next section, exchanges can use various types of entities to deliver navigator services. They may elect to use agents and brokers who agree to forego commissions for health insurance sales as one type of navigator, but exchanges must always designate at least one community- or consumer-focused nonprofit as a type of navigator.¹

We just want to raise our concerns that the process of “predetermining” events and brokers who will be assisted. We are concerned this process will not be transparent and that it goes against the standards set at the federal level.

We urge the SSHIX to empower exchange enrollment facilitators and navigators to focus on outreach using their connections in underserved and hard to reach populations. We also encourage you to clarify the conflict of interest issues and create separation between brokers and enrollment facilitators and navigators.

¹ “Brokers and Agents and Health Insurance Exchanges,” Families USA, September 2012, accessed 10-5-2015: http://familiesusa.org/sites/default/files/product_documents/Exchanges-Brokers-and-Agents.pdf