

# Consumer Consent and Application Review Requirements Agent/Broker Panel Discussion

Centers for Medicare & Medicaid Services (CMS)  
Center for Consumer Information & Insurance Oversight (CCIIO)

*October 10, 2023*

# Disclaimer



*The information provided in this presentation is intended only as a general, informal summary of technical legal standards. It is not intended to take the place of the statutes, regulations, and formal policy guidance that it is based upon. This presentation summarizes current policy and operations as of the date it was presented. Links to certain source documents have been provided for your reference. We encourage audience members to refer to the applicable statutes, regulations, and other interpretive materials for complete and current information about the requirements that apply to them. The contents of this document do not have the force and effect of law and are not meant to bind the public in any way, unless specifically incorporated into a contract. This document is intended only to provide clarity to the public regarding existing requirements under the law.*

*This document generally is not intended for use in the State-based Marketplaces (SBMs) that do not use HealthCare.gov for eligibility and enrollment. Please review the guidance on our Agent and Broker Resources webpage (<http://go.cms.gov/CCIIOAB>) and [Marketplace.CMS.gov](http://Marketplace.CMS.gov) to learn more.*

*Unless indicated otherwise, the general references to "Marketplace" in the presentation only include Federally-facilitated Marketplaces (FFMs) and State-based Marketplaces on the Federal Platform (SBM-FPs).*

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# Panel Agenda



- 01** Welcome from **Dean Mohs**, Director of the Marketplace Agent/Broker Business Operations team
- 02** Introduction of the Panelists by CMS Subject Matter Experts
- 03** Overview of Consumer Consent and Application Review Requirements
- 04** Moderated Panel Discussion Questions
- 05** Live Question & Answer Session with All Attendees
- 06** Closing Remarks

# Introductions



## » **CMS Panel Moderators:**

- Kiahana Brooks, Division of Compliance, Oversight and Monitoring (DCOM)
- Sophie Fitzsimmons-Peters, Division of Strategic Stakeholder Engagement & Operations (DSSEO)

## » **Agent/Broker Panelists:**

- Arthur Barlow
- Barbara Garcia
- Joshua Brooker
- Jaleh Hosseinzadeh
- Tracy McMillan

# 2024 Payment Notice Updates: Documenting Consumer Consent



## Consent Documentation Requirements

- » Agents, brokers, and web-brokers are required to document the receipt of consent from the consumer or their authorized representative.
  - The consumer or their authorized representative must take an action to produce the documentation;
  - The documentation must contain, at a minimum, the following information:
    - A description of the scope, purpose, and duration of the consent provided by the consumer or their authorized representative;
    - The date the consent was given;
    - The name of the consumer or their authorized representative;
    - The name of the agent, broker, web-broker, or agency being granted consent;
    - A process through which the consumer or their authorized representative may rescind the consent.
  - The agent, broker, or web-broker must maintain the documentation for **a minimum of 10 years.**

# 2024 Payment Notice Updates: Review Documentation Requirements



## Review Documentation Requirements

- » Agents, brokers, and web-brokers are required to document that eligibility application information has been reviewed by and confirmed to be accurate by the consumer or their authorized representative prior to application submission.
  - The consumer or their authorized representative must take an action to produce the documentation;
  - The documentation must contain, at a minimum, the following information:
    - The date the information was reviewed;
    - The name of the consumer or their authorized representative;
    - An explanation of the attestations at the end of the eligibility application; and
    - The name of the assisting agent, broker, or web-broker.
  - The agent, broker, or web-broker must maintain the documentation for **a minimum of 10 years.**

For more information on these requirements, view these [FAQs](#) and [webinar slides](#).





Agents and brokers are valued partners to all of us at CMS for the vital role you play in enrolling consumers in qualified health coverage.

We thank you for the trusted advice, support, and assistance you provide throughout the year and wish you continued success during this OEP and beyond!