

1.1 **7700.0010 APPLICABILITY AND PURPOSE.**

1.2 Subpart 1. **Applicability.** Parts 7700.0010 to 7700.0090 apply to an eligible entity  
1.3 that is an applicant to be certified to deliver consumer assistance services through MNsure.

1.4 Subp. 2. **Purpose.** Parts 7700.0010 to 7700.0090 establish the policies and  
1.5 procedures for certification as a consumer assistance partner through MNsure.

1.6 **7700.0020 DEFINITIONS.**

1.7 Subpart 1. **Scope.** As used in this chapter, the terms defined in this part have the  
1.8 meanings given them.

1.9 Subp. 2. **Affordable Care Act.** "Affordable Care Act" means the Patient Protection  
1.10 and Affordable Care Act of 2010, Public Law 111-148, as further defined through  
1.11 amendments to the act and regulations issued under the act.

1.12 Subp. 3. **Applicable staff.** "Applicable staff" means any person who has access  
1.13 authorized under this chapter to data stored in the MNsure Web tool.

1.14 Subp. 4. **Board.** "Board" means the Board of MNsure specified in Minnesota  
1.15 Statutes, section 62V.04.

1.16 Subp. 5. **Certified application counselor.** "Certified application counselor, "  
1.17 described in Code of Federal Regulations, title 45, part 155.225, means any entity certified  
1.18 by MNsure to provide consumer assistance services without any compensation from  
1.19 MNsure.

1.20 Subp. 6. **Conflict of interest.** "Conflict of interest" means any business, private, or  
1.21 personal interest sufficient to influence or appear to influence the objective execution of an  
1.22 entity's or individual's official or professional responsibilities to the extent necessary to  
1.23 carry out the functions of MNsure.

2.1 Subp. 7. **Consumer assistance partner.** "Consumer assistance partner " means  
2.2 entities certified by MNsure to serve as a navigator, in-person assister, or certified  
2.3 application counselor.

2.4 Subp. 8. **Cost-sharing reduction.** "Cost-sharing reduction" means reductions in cost  
2.5 sharing for an eligible individual enrolled in a silver level plan through MNsure or for an  
2.6 individual who is an American Indian or Alaska Native enrolled in a QHP through MNsure.

2.7 Subp. 9. **Enrollment.** "Enrollment" means enrolling individuals in a QHP or public  
2.8 health care program through MNsure, including properly utilizing the appropriate system  
2.9 tools, resources, and data to perform this function.

2.10 Subp. 10. **Individual tax credit.** "Individual tax credit" means premium tax credits  
2.11 specified in section 36B of the Internal Revenue Code, as added by section 1401 of the  
2.12 Affordable Care Act, which are provided on an advance basis to an eligible individual  
2.13 enrolled in a QHP through MNsure according to sections 1402 and 1412 of the Affordable  
2.14 Care Act.

2.15 Subp. 11. **In-person assister.** "In-person assister" means any entity certified by  
2.16 MNsure to provide services consistent with the applicable requirements of Code of  
2.17 Federal Regulations, title 45, part 155.205,(c), (d), and (e), and is distinct from a navigator.

2.18 Subp. 12. **Insurance producer.** "Insurance producer" has the meaning defined in  
2.19 Minnesota Statutes, section 60K.31.

2.20 Subp. 13. **MNsure.** "MNsure" means the "Minnesota Insurance Marketplace" under  
2.21 Minnesota Statutes, chapter 62V, created as a state health benefit exchange as described in  
2.22 section 1311 of the federal Patient Protection and Affordable Care Act, Public Law 111-148,  
2.23 and further defined through amendments to the act and regulations issued under the act.

2.24 Subp. 14. **Navigator.** "Navigator" means any entity certified by MNsure to serve  
2.25 as a navigator and has the meaning described in section 1311(i) of the federal Patient

3.1 Protection and Affordable Care Act (ACA), Public Law 111-148, and further defined  
3.2 through amendments to the act and regulations issued under the act. For calendar year  
3.3 2014, the navigator program shall be covered by Minnesota Statutes, section 256.962.

3.4 Subp. 15. **Qualified health plan or QHP.** "Qualified health plan" or "QHP" means a  
3.5 health plan that meets the definition in section 1301(a) of the Affordable Care Act, Public  
3.6 Law 111-148, and has been certified by the board according to Minnesota Statutes, section  
3.7 62V.05, subdivision 5, to be offered through MNsure.

3.8 **7700.0030 ELIGIBILITY REQUIREMENTS; CERTIFIED CONSUMER**  
3.9 **ASSISTANCE PARTNERS.**

3.10 Subpart 1. **Federal prohibitions.**

3.11 A. Consumer assistance partners must not be health insurance issuers,  
3.12 subsidiaries of a health insurance issuer, stop loss insurance issuers, subsidiaries of a stop  
3.13 loss insurance issuer, or professional associations that include members of or lobby on  
3.14 behalf of the insurance industry according to federal requirements in Code of Federal  
3.15 Regulations, title 45, section 155.210 (d).

3.16 B. Consumer assistance partners must not have a conflict of interest while  
3.17 serving as a consumer assistance partner.

3.18 (1) Consumer assistance partners must not receive any compensation  
3.19 directly or indirectly from any health insurance issuer in connection with the enrollment of  
3.20 any individuals or employees in a qualified health plan or a nonqualified health plan as  
3.21 specified in Code of Federal Regulations, title 45, section 155.210 (d)(4).

3.22 (2) Consumer assistance partners must follow the requirements pursuant  
3.23 to Minnesota's Level One Establishment Notice of Grant Award, Special Terms and  
3.24 Conditions, Attachment B, #19: "In order to provide services that meet the requirements  
3.25 of Code of Federal Regulations, title 45, sections 155.205 (d)-(e), and 155.405, individuals  
3.26 performing in-person assistance functions must operate in a fair and impartial manner and

4.1 must meet and adhere to appropriate conflict of interest standards which include, but are not  
4.2 limited to the following: Do not receive any direct or indirect compensation from an issuer  
4.3 in connection with enrolling consumers in health plans; and are not subsidiaries of an issuer  
4.4 or associations that include members of, or lobby on behalf of, the insurance industry."

4.5 **Subp. 2. Qualifications.**

4.6 A. Consumer assistance partners must demonstrate the ability to carry out those  
4.7 responsibilities as defined by the board.

4.8 B. Consumer assistance partners must:

4.9 (1) demonstrate proven connections to the communities MNsure will serve,  
4.10 or demonstrate the ability to form relationships with consumers, including uninsured and  
4.11 underinsured consumers;

4.12 (2) successfully complete MNsure's certification training program; and

4.13 (3) comply with any privacy and security standards applicable to MNsure.

4.14 **Subp. 3. Eligible entities.** Consumer assistance partners eligible for certification by  
4.15 MNsure are any of the following entities able to demonstrate to the board that the entity  
4.16 has existing relationships, or could readily establish relationships with consumers in  
4.17 Minnesota, including uninsured, underinsured, and vulnerable populations, likely to be  
4.18 eligible to enroll through MNsure: 501(c)(3) community-based organizations, for-profit  
4.19 businesses, government agencies, and any other entity recognized by the Office of the  
4.20 Secretary of State including, but not limited to:

4.21 A. community and consumer-focused nonprofit groups;

4.22 B. trade, industry, and professional associations;

4.23 C. farming organizations;

4.24 D. religious organizations;

- 5.1 E. chambers of commerce;
- 5.2 F. insurance producers, subject to subpart 1;
- 5.3 G. tribal organizations; and
- 5.4 H. state or local human services agencies.

5.5 MNsure will consider coalitions or collaboratives of entities meeting the requirements of  
5.6 subpart 3.

5.7 **7700.0040 RESPONSIBILITIES OF CONSUMER ASSISTANCE PARTNERS;**  
5.8 **CONSUMER ASSISTANCE SERVICES.**

5.9 Subpart 1. **Duties and responsibilities.** As required in Code of Federal Regulations,  
5.10 title 45, section 155.210 (e), consumer assistance partners, at a minimum, must perform  
5.11 the following activities:

5.12 A. maintain expertise in eligibility, enrollment, and program specifications  
5.13 and conduct public education activities;

5.14 B. provide information and services in a fair, accurate, and impartial manner,  
5.15 and this information must acknowledge other health programs;

5.16 C. facilitate enrollment in qualified health plans offered in MNsure;

5.17 D. provide referrals to any applicable office of health insurance consumer  
5.18 assistance or health insurance ombudsman established under section 2793 of the Public  
5.19 Health Service Act, or any other appropriate state agency or agencies for any enrollee with  
5.20 a grievance, complaint, or question regarding an enrollee's health plan, coverage, or a  
5.21 determination under such plan or coverage;

5.22 E. provide information in a manner that is culturally and linguistically  
5.23 appropriate to the needs of the population being served by MNsure including individuals  
5.24 with limited English proficiency; and ensure accessibility and usability of tools and

6.1 functions for individuals with disabilities according to the Americans with Disabilities Act  
6.2 and section 504 of the Rehabilitation Act; and

6.3 F. comply with Title VI of the Civil Rights Act of 1964, section 1557 of the  
6.4 Americans with Disabilities Act, and other applicable federal law and regulation.

6.5 Subp. 2. **Consumer assistance services.** Consumer assistance partners and insurance  
6.6 producers certified by MNsure shall guide consumers through the application and  
6.7 enrollment process and facilitate access to the range of health coverage options available  
6.8 through MNsure by providing the following services, including but not limited to:

6.9 A. informing consumers of health insurance options and the value of coverage,  
6.10 in addition to reviewing insurance options available through MNsure;

6.11 B. informing individuals of application processes, required documentation,  
6.12 mandated requirements, and any exemption criteria;

6.13 C. providing information and referrals to small employers on enrollment in the  
6.14 Small Business Health Options Program (SHOP) and any tax provisions, including credits  
6.15 and penalties, potentially affecting small employers;

6.16 D. gauging eligibility through MNsure and providing referrals to appropriate  
6.17 support services or programs for further assistance, such as free health clinics;

6.18 E. providing nonmedical referrals, to the extent possible, according to MNsure  
6.19 referral guidance;

6.20 F. explaining program eligibility rules and providing application assistance for  
6.21 Medicaid/CHIP, premium tax credits, and cost-sharing reductions;

6.22 G. assisting with the entry of information into enrollment tools and resources,  
6.23 including final submission of information;

7.1 H. advising American Indians and Alaskan Natives on benefits specified by the  
7.2 Affordable Care Act, such as cost-sharing reductions, income exclusions, special open  
7.3 enrollment periods, and exemption from minimum health care coverage mandate;

7.4 I. addressing questions regarding the submission of eligibility and enrollment  
7.5 verification documentation;

7.6 J. facilitating referrals to insurance producers for individuals and families  
7.7 enrolling in qualified health plans through MNsure and requesting plan enrollment  
7.8 assistance beyond the scope of consumer assistance partners;

7.9 K. facilitating referrals to community organizations, counties, or other  
7.10 appropriate nonprofit or public entities when individuals and families require technical  
7.11 expertise and assistance beyond the scope of the consumer assistance partner or insurance  
7.12 producer;

7.13 L. explaining, discussing, and interpreting coverage and policies with  
7.14 consumers to facilitate plan selection; and

7.15 M. assisting with plan comparison based upon individual priorities, including  
7.16 but not limited to metal tier levels, quality ranges, providers including, but not limited to,  
7.17 specialty care, pharmaceutical, dental and eye care, and total cost estimation including  
7.18 utilization and health status.

7.19 Regardless of services listed in this subpart, no consumer assistance partner may provide a  
7.20 service that requires licensure under Minnesota Statutes, chapter 60K, unless the consumer  
7.21 assistance partner has the appropriate licensure under Minnesota Statutes, chapter 60K.

7.22 **7700.0050 CERTIFICATION TRAINING.**

7.23 Subpart 1. **Consumer assistance partners.** MNsure shall develop a certification  
7.24 training program, administer Web-based training, and administer assessment of  
7.25 proficiency for navigators, in-person assisters, and certified application counselors.

8.1 Training shall be made available to eligible entities by MNsure. MNsure may enter into  
8.2 agreements with third-party entities to deliver the MNsure certification training program  
8.3 curriculum. MNsure may audit any third-party entity program at any time and may  
8.4 terminate the training agreement at MNsure's discretion. Documentation of certification  
8.5 training completion shall be maintained by MNsure. To receive and maintain MNsure  
8.6 certification, all applicable staff of an entity serving as a navigator, in-person assister, or  
8.7 certified application counselor must complete the following required training modules with  
8.8 a minimum passing score, determined by MNsure, on all assigned training coursework.  
8.9 Modules include, but are not limited to, those specified in items A to E.

8.10           A. MNsure Web tool that includes training on the use of the public Web site,  
8.11 online enrollment tools, and navigation of the navigator, in-person assister, or certified  
8.12 application counselor landing page.

8.13           B. Affordable Care Act 101 that includes training on basic information on  
8.14 available public health care programs, referrals to other consumer assistance partners  
8.15 and insurance producers certified by MNsure, underserved and vulnerable populations,  
8.16 privacy and security as specified in part 7700.0080, and conflict of interest as specified  
8.17 in part 7700.0070.

8.18           C. Public health care programs, premium tax credits, and cost-sharing  
8.19 reductions includes training on eligibility and enrollment rules and procedures, and means  
8.20 of appeal and dispute resolution.

8.21           D. Qualified health plan includes training on eligibility and enrollment rules  
8.22 and procedures, the range of qualified health plan options offered through MNsure, and  
8.23 the means of appeal and dispute resolution.

8.24           E. Overview of Minnesota licensure requirements to sell, solicit, or negotiate  
8.25 insurance.



9.1 Subp. 2. **Insurance producers.** MNsure shall establish minimum certification  
9.2 training standards for insurance producers certified to serve by MNsure. Training and  
9.3 assessment of proficiency for insurance producers shall be administered by MNsure.  
9.4 MNsure may enter into agreements with third-party entities to deliver the MNsure  
9.5 certification training program curriculum. MNsure may audit any third-party entity  
9.6 program at any time and may terminate the training agreement at MNsure's discretion.  
9.7 Training shall be made available to eligible insurance producers by MNsure. To receive  
9.8 and maintain MNsure certification, all applicable staff of an entity serving as a certified  
9.9 insurance producer must complete the required training modules in items A to E with a  
9.10 minimum passing score, determined by the board, on all assigned training coursework.  
9.11 Modules include, but are not limited to:

9.12 A. MNsure Web tool that includes training on the use of the public Web site,  
9.13 online enrollment tools, and navigation of the insurance producer landing page;

9.14 B. Affordable Care Act 101 that includes training on basic information on  
9.15 available public health care programs, referrals to consumer assistance partners serving  
9.16 MNsure, underserved and vulnerable populations, privacy and security as specified in part  
9.17 7700.0080, and conflict of interest as specified in part 7700.0070;

9.18 C. public health care programs, premium tax credits, and cost-sharing  
9.19 reductions includes training on eligibility and enrollment rules and procedures, and the  
9.20 means of appeal and dispute resolution;

9.21 D. qualified health plans includes training on eligibility and enrollment rules  
9.22 and procedures, the range of qualified health plan options offered in MNsure, and the  
9.23 means of appeal and dispute resolution; and

9.24 E. defined contributions includes training on federal requirements and MNsure  
9.25 online enrollment tools for small employers to provide a defined contribution towards a  
9.26 qualified health plan for their employees.

10.1 **7700.0060 CERTIFICATION.**

10.2 Subpart 1. **Consumer assistance partners.** Before providing any services, a  
10.3 navigator, in-person assister, or certified application counselor must be certified by  
10.4 MNsure by meeting the criteria in items A to F:

10.5 A. enter into a formal agreement with MNsure by responding to MNsure's  
10.6 solicitation for navigators, in-person assisters, or certified application counselors;

10.7 B. select, manage, and monitor individuals performing consumer assistance  
10.8 services and direct them to meet MNsure certification training standards by ensuring that all  
10.9 applicable staff participate in required MNsure sponsored training under part 7700.0050;

10.10 C. comply with MNsure conflict of interest standards as specified in part  
10.11 7700.0070;

10.12 D. comply with MNsure privacy and security standards as specified in part  
10.13 7700.0080;

10.14 E. comply with MNsure account creation process; and

10.15 F. comply with recertification requirements to be determined by MNsure.

10.16 Subp. 2. **Insurance producers.** Before providing any services through MNsure, an  
10.17 insurance producer must be certified by MNsure by meeting the criteria in items A to G:

10.18 A. maintain active status as an insurance producer under part 7700.0020,  
10.19 subpart 12;

10.20 B. inform MNsure of the intent to be certified by MNsure;

10.21 C. ensure that all insurance producer and applicable staff and subcontractors  
10.22 participate in required MNsure certification training specified in part 7700.0050;

10.23 D. disclose to MNsure which health carrier's qualified health plans offered  
10.24 through MNsure the insurance producer is authorized to sell;

11.1 E. comply with MNsure privacy and security standards specified in part  
11.2 7700.0080;

11.3 F. comply with the MNsure account creation process; and

11.4 G. comply with recertification requirements to be determined by MNsure.

11.5 Subp. 3. **Noncompliance.** At MNsure's discretion, certification may be withdrawn  
11.6 from a navigator, in-person assister, certified application counselor or individual for  
11.7 noncompliance with the certification requirements in subpart 1. At MNsure's discretion,  
11.8 certification may be withdrawn from an insurance producer entity or individual for  
11.9 noncompliance with the certification requirements in subpart 2.

11.10 Subp. 4. **Monitored performance.** At MNsure's discretion, a consumer assistance  
11.11 partner and MNsure certified insurance producer's performance may be monitored during  
11.12 the certification period. MNsure may require an underperforming entity to develop  
11.13 and implement a time-limited performance improvement plan. If performance is not to  
11.14 MNsure's satisfaction, certification to provide services through MNsure may be withdrawn.

11.15 **7700.0070 CONFLICT OF INTEREST.**

11.16 Subpart 1. **Framework; consumer assistance partners.** MNsure shall provide  
11.17 consumers with impartial, high-quality, community-based education and information, and  
11.18 in-person application and enrollment assistance through consumer assistance partners. In  
11.19 order to ensure the delivery of high quality services, to minimize or eliminate the existence  
11.20 of conflicts of interest and ensure integrity, MNsure will:

11.21 A. screen for potential conflicts of interest during the consumer assistance  
11.22 partner selection process and throughout the term of engagement with these entities;

11.23 B. require initial and ongoing training that includes instruction on providing  
11.24 impartial education and in-person assistance with consumer selection of a qualified health  
11.25 plan;

12.1 C. require the consumer assistance partner to disclose all affiliations that may  
12.2 present a direct, indirect, or perceived conflict of interest which includes submission of a  
12.3 written attestation that the consumer assistance partner is not a health insurance issuer or  
12.4 issuer of stop loss insurance, a subsidiary of a health insurance issuer or issuer of stop  
12.5 loss insurance, or an association that includes members of, or lobbies on behalf of, the  
12.6 insurance industry;

12.7 D. monitor the consumer assistance partner's performance and practice through  
12.8 reporting;

12.9 E. monitor the consumer assistance partner through feedback tools on the  
12.10 MNsure Web site and through qualitative and quantitative evaluation tools;

12.11 F. actively solicit customer satisfaction feedback on experience with MNsure;  
12.12 and

12.13 G. as circumstances command, where a conflict of interest arises, require  
12.14 mitigation, revocation of certification, or termination of partnership with a consumer  
12.15 assistance partner.

12.16 Subp. 2. **Insurance producers.** All current conflict of interest requirements in  
12.17 Minnesota Rules and Minnesota Statutes shall apply to insurance producers.

12.18 **7700.0080 PRIVACY AND SECURITY.**

12.19 Pursuant to Code of Federal Regulations, title 45, part 155.260, MNsure shall require  
12.20 a navigator, in-person assister, certified application counselor, or insurance producer to  
12.21 annually attest that its data security and privacy practices are compliant with the applicable  
12.22 federal and state laws and supportive of MNsure data security and privacy practices.  
12.23 Any navigator, in-person assister, certified application counselor, or insurance producer  
12.24 must have specific authorization from MNsure prior to accessing data through MNsure  
12.25 according to Minnesota Statutes, section 62V.06, subdivision 8. The authorization must  
12.26 be immediately and permanently revoked under Minnesota Statutes, section 62V.06,

13.1 subdivision 8, for any willful violation of Minnesota Statutes, chapter 13. MNsure has  
13.2 the right to inspect, assess, and audit a navigator, in-person assister, certified application  
13.3 counselor, or insurance producer's data security and privacy practices. Inadequate data  
13.4 security and privacy practices may result in termination of certification at the discretion of  
13.5 MNsure.

13.6 **7700.0090 COMPENSATION.**

13.7 Subpart 1. **Consumer assistance partners compensation.** Consumer assistance  
13.8 partner compensation may include, but is not limited to, per enrollment payments, grants,  
13.9 and pay-for-performance payments. The type of compensation is dependent on the  
13.10 specific role of the consumer assistance partner. The amount or rate of compensation  
13.11 is dependent on the specific role of the consumer assistance partner. The rate of per  
13.12 enrollment payments shall be set by the board on an annual basis. The initial payment rate  
13.13 and any subsequent changes to the payment rate must be published in the State Register.  
13.14 The payment rate is effective upon publication and applicable for all work completed on  
13.15 or after the payment rate effective date.

13.16 A. Payment per enrollment.

13.17 (1) Consumer assistance partners may receive payment for each successful  
13.18 enrollment through MNsure. The rate of payment shall be set by MNsure. The initial  
13.19 payment rate and any subsequent changes to the payment rate shall be published in the  
13.20 State Register. The payment rate is effective upon publication and applicable for all work  
13.21 completed on or after the payment rate effective date. Payments shall be paid based on  
13.22 the availability of funding.

13.23 (2) Payments shall be made directly to the entity.

13.24 B. Grants.

14.1 (1) MNsure may award grants through a competitive process. The  
14.2 competitive process shall be based on solicitation, and at MNsure's discretion, grants shall  
14.3 be established based on the criteria outlined in the solicitation.

14.4 (2) Disbursements of grant funding shall be paid per contract agreed to  
14.5 between the entity and MNsure.

14.6 C. Pay-for-performance payments. At the discretion of MNsure,  
14.7 pay-for-performance payments shall be established to address specific performance  
14.8 measures including, but not limited to, targeted geographic areas, specific population  
14.9 barriers, disparities, or distinctive outreach activities.

14.10 Subp. 2. **Insurance producers.** Compensation for insurance producers is subject to  
14.11 Minnesota Statutes, section 62V.05, subdivision 3.