

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Center for Consumer Information & Insurance Oversight
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Frequently Asked Question (FAQ) regarding Agents and Brokers (Including Web-brokers) and Federally-facilitated Marketplace (FFM) Online Enrollment Functionality

Q: May agents and brokers, including web brokers, use automation retention and loading of consumer information functionality on a third party site and then submit the completed application to the FFM?

A: No. The only approved Direct Enrollment pathway that can be used to facilitate enrollments through the FFM is the established Direct Enrollment pathway that includes the consumer-facing redirect with Security Assertion Markup Language (SAML) assertion.¹ It is impermissible for consumers to complete an application on a third party website and have their data automatically input into HealthCare.gov as part of the direct enrollment process.

Specifically, CMS regulations at 45 CFR 155.405 require the use of the FFM’s single streamlined application to collect information and determine eligibility for: enrollment in a Qualified Health Plan (QHP) offered through the FFMs; advance payments of the premium tax credit; cost-sharing reductions; and Medicaid, Children’s Health Insurance Plan (CHIP) or the Basic Health Program (collectively, state health subsidy programs). Third party websites to collect consumer information to apply for coverage or other state health subsidy programs through the FFMs may not collect the appropriate level or amount of information necessary to make eligibility determinations. As a result, such web sites do not satisfy the FFM single streamlined application requirement and are not approved by CMS.

CMS is committed to working with all agents and brokers to ensure that all Marketplace enrollment channels ensure consistent eligibility results, privacy and security safeguards on consumer data, and smooth application processing. If you have any questions on this guidance or require technical assistance, please contact us at webbroker@cms.hhs.gov.

¹ Role of Agents, Brokers, and Web-brokers in Health Insurance Marketplaces (November 7, 2014 Update), available at https://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/Downloads/May_1_2013_CCIIO_AB_Guidance_110414_508.pdf

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