

ACA Compliance Overview

Licensing and Certification

- **State License:** You must hold a valid health insurance license in each state where you sell.
 - **Marketplace Certification:**
 - For **Federally Facilitated Marketplaces (FFM)**, agents must complete annual **CMS training and certification** via the Marketplace Learning Management System (MLMS).
 - For **State-Based Marketplaces (SBMs)**, you must follow their specific certification/training process.
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Ethical Sales Practices

- **No Discriminatory Practices:** You must not steer consumers based on race, gender, age, or health status.
 - **No Misrepresentation:** Clearly explain coverage, limitations, and premium responsibilities.
 - **Consumer-Centric Sales:** Ensure the client's needs—not commissions—guide plan recommendations.
 - **No Door-to-Door Soliciting:** Outreach should comply with CMS regulations and consumer consent rules.
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Privacy and Data Security

- Comply with **HIPAA** and **Federal Privacy Laws** when handling personal health information (PHI).
 - Agents must securely store client data and only collect information necessary for enrollment.
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Enrollment Consent and Requirements

- Consent to search the marketplace.
- Consent to assist the client with the application and to become the AOR.
- Provide an explanation of how to withdraw consent.
- Disclose your role clearly to the consumer, including any financial incentives or affiliations.
- Covering the Tax Attestation is required.

- Consent to Sign and Submit.
 - Eligibility notice review with the client is required.
 - Commission Disclosure from agent to client is required.
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Enrollment and Application Assistance

- You may assist clients with:
 - Eligibility screening
 - Submitting applications through EDE platform or SBM Agent Portals
 - Navigating premium tax credit (PTC) and cost-sharing reductions (CSR) eligibility
 - You **may not** make eligibility determinations yourself or fill out parts of the application without the consumer's involvement.
 - Agents must assist clients in person or virtually, ensure client involvement in applications, and never make eligibility determinations.
 - For enrollments over the phone, please advise that the call is being recorded.
 - Agents must confirm with the client that they are not enrolled in a Full Medicaid Plan.
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Health Insurance Plans

- Only represent **ACA-compliant** plans on the exchange (or approved off-exchange plans if appropriate).
 - Ask the client about any doctors they currently see or prescriptions they take to ensure their health plan covers their needs.
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Compliance with Marketing Rules

- All marketing materials must be **accurate** and **approved** (especially if they mention the Marketplace).
 - CMS prohibits misleading or high-pressure tactics.
 - No use of the CMS or Marketplace logos unless expressly authorized.
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Annual Recertification

- ACA agents must **recertify every year** to continue assisting consumers during open enrollment.
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Recordkeeping Requirements

- Retain consumer records securely for at least **10 years** (FFM guidance).
 - Must be available for audits or inquiries from CMS or state regulators.
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Penalties for Non-Compliance

- Non-compliance can result in:
 - **Loss of certification**
 - **License revocation**
 - **Carrier Termination**
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Proper Use of NPN Numbers

The **National Producer Number (NPN)** is the official identifier for licensed insurance agents and is essential for:

- **Marketplace Application Submission:** The NPN must be included on every client application to attribute the enrollment correctly to the agent.
- **Commission Tracking:** Carriers use the NPN submitted on the 834 file to track enrollments
- **Compliance Audits:** Regulators and carriers use NPNs to verify certifications, licensing status, and sales activities.

Best Practices for NPN Use:

- Always double-check that your NPN is correctly entered on applications.
- Keep your NPN and license information up to date in all platforms.
- Agents should submit applications using their own NPN number.

States Where NPN Overrides Are Not Allowed

North Carolina

The North Carolina Department of Insurance strictly prohibits the use of NPN overrides. Agents must be both licensed and appointed with the insurer to submit applications. Using another agent's NPN is considered a violation of state insurance laws and may result in disciplinary actions.

Iowa

The Iowa Insurance Division has banned NPN overrides, citing concerns over unauthorized enrollments. Agents must be individually licensed and appointed with the insurer. Utilizing another agent's NPN is deemed a misrepresentation and may lead to penalties, including fines

and license suspension.

Wisconsin

The Wisconsin Office of the Commissioner of Insurance has determined that NPN overrides violate state law. Agents are required to be properly appointed with insurers, and using another agent's NPN to submit applications is considered a misrepresentation.

South Dakota

While specific details are not provided in the available sources, South Dakota is listed among the states where NPN overrides are not permitted. Agents must use their own NPNs when submitting applications.

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