

Georgia Access Certified Application Counselor Designated Organization (CDO) Program Agreement

I. Overview and Purpose

This Agreement is between Georgia Access and the undersigned Certified Application Counselor Designated Organization (herein “CDO”).

The purpose of the agreement is for CDOs participating in the State of Georgia’s State-based Exchange to attest to compliance with State and federal requirements as outlined in 45 C.F.R. § 155.225 and herein. The term of this agreement extends from the date it is signed for activities preformed from 11/1/2024 until 12/31/2025.

II. Definitions

- a. **Breach** – The same meaning as in OMB Memorandum M-17-12 (January 3, 2017), and means the loss of control, compromise, unauthorized disclosure, unauthorized acquisition, or any similar occurrence where (1) a person other than an authorized user accesses or potentially accesses PII, or (2) an authorized user accesses or potentially accesses PII for an other-than-authorized purpose. For purposes of this definition, unless otherwise inconsistent with OBM Memorandum M-17-12, a Breach shall also constitute a breach in accordance with the applicable provisions of the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), including the Administrative Simplification Provisions of HIPAA, as codified at 42 U.S.C. § 1320d et seq., and the Health Information Technology for Economic and Clinical Health Act of 2009 (“HITECH”).
- b. **Certified Application Counselor Designated Organization (“CDO”)** – An organization designated by the State of Georgia, Georgia Access, or the Georgia Office of Commissioner of Insurance and Safety fire to oversee and certify Georgia Access Specialists who are either employed by or volunteer for the organization to perform the Exchange functions contemplated by this agreement.
- c. **Entity** – Any person, whether an individual or legal organization, whose business is directly related to enrollment through the Exchange Platform, or to assist Qualified Individuals in applying for APTC or CSRs, and in applying for and enrolling in Qualified Health Plans or Qualified Dental Plans in a manner that is considered to be through the Exchange Platform.
- d. **Exchange or Exchange Authority** – A health insurance exchange as contemplated by the PPACA, established or operating in this State, that facilitates or assists in facilitating enrollment in QHPs and QDPs. This definition includes Georgia Access, which was created pursuant to Ga. L. 2023, p. SB 65, O.C.G.A. § 33-1-23 and facilitates the sale of Qualified Health Plans and Qualified Dental Plans on the

Exchange Platform. This definition also includes the federal platform for a State Based Exchange operating on the federal platform pursuant to 45 C.F.R. § 155.106(c).

- e. **Exchange Platform** – The technical platform which the State of Georgia makes available to health insurers to sell Qualified Health Plans and Qualified Dental Plans to Customers. Exchange Platform includes HeathCare.gov and the federal Platform generally for a State Based Exchange operating on the federal platform pursuant to 45 C.F.R. § 155.106(c).
- f. **Georgia Access Specialists (GASs)** – Individuals who are employed by or affiliated with a Certified Application Counselor Designated Organization (CDO) and are licensed and trained by the State of Georgia to assist consumers, small businesses, and their employees as they compare options and apply for health coverage through Georgia Access. Georgia Access Specialists are required to obtain the Georgia Access Specialist license. Georgia Access Specialists are not permitted to enroll consumers into a health plan and are not allowed to provide specific health plan advice. These individuals are required to be unbiased, and their services are free to consumers.
- g. **Patient Protection and Affordable Care Act (“Affordable Care Act” or “PPACA”)** – The Patient Protection and Affordable Care Act (Public Law 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), which are referred to collectively as the Patient Protection Affordable Care Act, the Affordable Care Act, or the PPACA.

III. Duties of Certified Application Counselor Designated Organizations

The role of Certified Application Counselor Designated Organizations (“CDOs”) is to oversee Georgia Access Specialists, who are trained to assist consumers seeking a determination or redetermination of health coverage, renewal of existing health coverage through the Exchange or for insurance affordability programs. Pursuant to 45 C.F.R. 155.225(b), the Exchange Authority may designate an organization to certify its staff members or volunteers to act as Georgia Access Specialists. The undersigned CDO is authorized to certify staff members and volunteers to act as Georgia Access Specialists.

CDOs under this agreement covenants that they will carry out these activities in accordance with all applicable federal, State and local laws, rules, and regulations, including but in no way limited to any and all laws, rules, and regulations related to privacy protection and confidentiality; all requirements related to federal grants, including but not limited to circulars from the Office of Management and Budget and all standards of ethical conduct, including those relating specifically to the performance of the Agreement. Examples of federal and State laws applicable to Consumer Assistance Entities include but are not limited to statutory requirements of the State of Georgia,

including Title 33 of the Official Code of Georgia Annotated and all regulations passed under O.C.G.A. § 33-2-9.

The undersigned CDO shall adhere to all policies and procedures issued by the Exchange governing Consumer Assistance activities, such as information technology privacy standards, the Exchange privacy policy, guidelines in the Navigators, Georgia Access Specialists and Producers guidelines issued by the Exchange, and the like. Additionally, the undersigned CDO shall establish procedures to ensure that none of its certified staff possess any conflict of interest as outlined in Section IV of this agreement.

Each CDO must submit its quarterly report on the 15th of March, June, September, and December using the form provided by Georgia Access. Additionally, each CDO must host an outreach or education event for the benefit of Georgia consumers seeking health insurance.

Each CDO must follow the Georgia Access Fraud, Waste, and Abuse Policy:

Georgia Access prohibits fraud, waste, and abuse within its internal operations and among its external partners. The Exchange has processes in place to deter, prevent, identify, investigate, and resolve cases of fraud, waste, and abuse. In confirmed instances of fraud, waste, and abuse, Georgia Access coordinates across OCI divisions and state agencies to take action to correct the violation and prevent reoccurrence. Georgia Access conducts its operations in compliance with internal policies and procedures and all applicable provisions of federal and state laws and regulations regarding the detection and prevention of fraud, waste, and abuse.

Georgia Access stakeholders have an obligation to report suspected fraud, waste, and abuse related to Georgia Access, regardless of the individual or organization suspected of committing such wrongful actions.

All pending insurance fraud complaints follow O.C.G.A. § 33-1-9.

IV. Licensing and Certification Standards

Prior to functioning as a Georgia Access Specialist through the Exchange,

The undersigned CDO warrants and represents that all individual Georgia Access Specialists providing services under this agreement have, prior to functioning as a Georgia Access Specialist:

- a. A valid, current active license as a Counselor or Georgia Access Specialist issued by the Georgia Office of Commissioner of Insurance and Safety Fire;
- b. A valid, current active Georgia Access Certification as a Georgia Access Specialist issued by the Georgia Office of Commissioner of Insurance and Safety Fire or Georgia Access; and

- c. Completed all required training and achieved a passing score on all certification examinations required by State and federal law, including but not limited to the training required by the regulations of the Georgia Office of Commissioner of Insurance and Safety Fire.
- d. Registered with the CDO and received a unique identifying number and Georgia Access Specialist certificate in accordance with the procedures of the CDO, which the Georgia Access and the Georgia Office of Commissioner of Insurance and Safety Fire may from time-to-time review;
- e. Provided proof to the CDO that he or she has fulfilled the training and certification requirements required by State and federal law.
- f. Executed the Georgia Access Assister Certification Agreement.

No CDO or other person or entity providing services under this agreement shall have a financial interest in or receive direct or indirect compensation from a health insurance issuer or stop loss insurance issuer in connection with the enrollment of an individual into a qualified health plan or non-qualified health plan as required by 45 C.F.R. § 155.225(g)(2), 45 C.F.R. Part 155 generally, and other applicable law. The CDO shall require all staff members and volunteers of the CDO performing Exchange functions shall disclose to the CDO any relationships such staff member or volunteer has with QHPs, insurance affordability programs, or other potential conflicts of interest. No entity covered by this agreement shall be a health insurance issuer, an issuer of stop loss insurance or a subsidiary of a health insurance issuer or stop loss insurance issuer. No entity covered by this agreement shall receive any nonfinancial consideration such as gifts, rebates, vacations, prizes or any other non-financial consideration from a health insurance Issuer or stop loss insurance issuer, or subsidiary or agent thereof, or an employer for the enrollment of an individual, family or group in the Exchange. The Georgia Office of Commissioner of Insurance and Safety Fire and Georgia Access in no way waives or limits their authority to investigate and seek all applicable civil and criminal penalties provided by law.

All persons providing services under this agreement shall maintain licensure and certification in good standing throughout that period of service in accordance with federal and State laws; Exchange policies and procedures; and other laws, regulations and guidance.

Each CDO must register at least one (1) Certified Application Counselor (“CAC”) within thirty (30) days of executing this agreement. A CDO’s failure to register at least one (1) CAC within this timeframe shall be grounds for rescission of this agreement.

V. Training Standards

In accordance with State and federal requirements, individual Georgia Access Specialists must complete the following to receive appointment with the Exchange

- a. Consumer Assistance Entities must complete the Georgia Access Online Certification Course and Exam; achieve a passing score on all approved

certification examinations (prior to carrying out any consumer assistance functions) following completion of the HHS-approved training; agree to obtain continuing education and be certified or recertified on at least an annual basis; and be prepared to serve both the individual Exchange and SHOP.

For entities seeking to be appointed with the Exchange under this agreement, you shall comply with the federal and State requirements for a licensed producers and Consumer Assistance Entities as described in this Section.

VI. Safeguarding Information

All CDOs and individual Georgia Access Specialists are required by law to safeguard information received from the Exchange eligibility and enrollment process. As such, the undersigned CDO shall:

- a. Implement administrative, physical and technical safeguards to protect Personal Identifiable Information (PII) furnished by Centers for Medicare & Medicaid Services (CMS) under this Agreement from loss, theft or inadvertent disclosure.
- b. Understand that they are responsible for safeguarding this information at all times, regardless of whether or not the entity is at his or her regular duty station.
- c. Ensure that laptops and other electronic devices and media containing PII are encrypted and password protected.
- d. Send emails containing PII only if encrypted and being sent to and being received by email addresses of persons authorized to receive such information (see IRS Publication 1075 for restrictions on emailing Return Information).
- e. Limit disclosure of the information and details relating to a PII loss only to those with a need to know.

Additionally, all entities are required to report actual and potential data breaches or unauthorized disclosures to the Exchange immediately.

VII. Privacy Policy

CDOs and individual Georgia Access Specialists have the implicit responsibility to safeguard the public's information and must adhere to the standards outlined in Georgia Access Privacy Policy, including:

- a. You shall follow all statutes, regulations, policies, standards, and procedures governing the confidentiality, integrity, and security of information resources.
- b. Personally identifiable information shall only be used by, or disclosed to, those authorized to receive or view it. PPACA section 1411 states that "an applicant for

insurance coverage or for a premium tax credit or cost-sharing reduction shall be required to provide only the information strictly necessary to authenticate identity, determine eligibility, and determine the amount of the credit or reduction.” It also states that this information must be used only for Exchange operations (such as verification of eligibility for enrollment, cost-sharing reduction, or premium tax credit). Penalties of up to \$25,000 per violation exist for anyone who knowingly and willfully violates this restriction.

- c. Pursuant to State and federal law, any person who knowingly and willfully uses or discloses information in violation of section 1411(g) of the PPACA will be subject to a civil penalty of not more than \$25,000 per person or entity, per use or disclosure, in addition to other penalties that may be prescribed by law.
- d. Any individual who receives information in connection with an Eligibility Determination for enrollment in a QHP through a Marketplace, APTCs or CSRs, and who knowingly and willfully uses or discloses information obtained pursuant to this Agreement in a manner or for a purpose not authorized by 45 C.F.R. § 155.260 and Section 1411(g) of the PPACA are potentially subject to the civil penalty provisions of Section 1411(h)(2) of the PPACA, which carries a fine of up to twenty-five thousand dollars (\$25,000).
- e. You shall only create, collect, handle, disclose, access, maintain, store, or use PII of consumers to carry out your required duties as a CDO.

THE UNDERSIGNED UNDERSTANDS THAT PENALTIES OF UP TO TWENTY-FIVE THOUSAND DOLLARS (\$25,000) FOR EACH SEPERATE VIOLATION EXISTS FOR ANYONE WHO KNOWINGLY AND WILLFULLY VIOLATES THE INFORMATION USE RESTRICTIONS OF PPACA § 1411(G) AND THAT GEORGIA ACCESS AND THE GEORGIA OFFICE OF COMMISSIONER OF INSURANCE AND SAFETY FIRE WILL PURSUE PENALTIES UNDER THIS SECTION FOR ANY SUCH VIOLATIONS.

VIII. Data Retention

Individual Assisters are required by federal regulations to maintain a record of each consumer authorization obtained. The regulations do not prescribe a standard format or process for obtaining the authorization or for maintaining its record, so assisters have flexibility to determine how they will maintain such a record. A record may be maintained in either hard copy or electronic format. Only those personnel who need to access the records to carry out their duties and responsibilities should be given access to them.

- a. Hard copies shall be kept in a secured location, locked and with limited access save for authorized individuals.
- b. Electronic copies shall be kept as a password-protected a file that is kept securely at all times, preferably on an external hard drive that is data encrypted or on a secure

workstation.

- c. The undersigned CDO shall establish internal policies and procedures to keep each record of authorization secure and organized in a way that allows a consumer to request access to his or her authorization and make corrections, as needed. CMS recommends that each assister service location maintain a central repository that contains each record of authorization collected from each consumer seeking services at that location.
- d. Regardless of the specific format for each written record of consumer authorization, you or your organization must maintain that record for at least ten years. If you or your organization is required under federal law to maintain a record of authorization for a period that is longer than ten years, the longer retention period shall be followed.

IX. Signatures

The provisions of this agreement are based on federal rules at 45 C.F.R. Part 155, statutory requirements of the State of Georgia, and the policies and procedures of the Georgia Access State Based Exchange. Any questions of interpretation that may arise between the provisions of this agreement and any other federal, State, or Exchange requirements shall be resolved in favor of those authorities.

Name of Organization / Agency _____

Street: _____ City, State, Zip Code: _____

Phone: _____ Fax: _____

By signing below, Entity agrees to the terms of this Agreement:

Authorized Organizational Representative Signature _____

Print Name: _____ Print Title: _____ Date: _____

By signing below, State agrees to the terms of this Agreement:

Authorized Georgia Access Representative Signature _____

Print Name: _____ Print Title: _____ Date: _____

