

**State of California
Office of Administrative Law**

In re:
California Health Benefit Exchange

Regulatory Action:

Title 10, California Code of Regulations

Adopt sections:

Amend sections: 6656, 6657, 6660, 6664

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

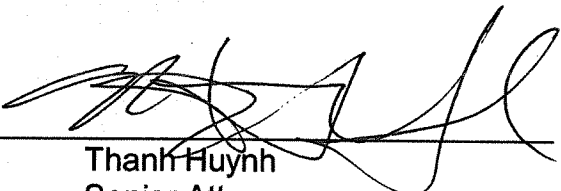
OAL Matter Number: 2018-0123-03

OAL Matter Type: Regular (S)

In this regular rulemaking, the California Health Benefit Exchange (Exchange) amends four sections in Title 10 of the California Code of Regulations. To streamline the application process for individuals and entities who wish to participate in the Certified Enroller program, the Exchange amends the regulations to remove some information that was not necessary to determine eligibility for the program. The regulatory modifications also remove the requirement for Certified Enrollment Counselors to receive training on the Exchange's Covered California for Small Business. The amendments further add the requirement that applicants certify they will comply with the agreement between the Certified Enrollment Entity and the Exchange and will adhere to all applicable State and Federal laws and regulations. And finally, the amendments change the requirement for certified enrollers to maintain a record of a consumer's authorization to access his or her personally identifiable information from 6 years to 10 years.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 3/7/2018.

Date: March 7, 2018



Thanh Huynh
Senior Attorney

For: Debra M. Cornez
Director

Original: Peter Lee, Executive Director

Copy: Brian Kearns

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2017-1006-01	REGULATORY ACTION NUMBER 2018-0123-035	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY California Health Benefit Exchange			AGENCY FILE NUMBER (if any)

ENDORSED - FILED
 Office of the Secretary of State
 of the State of California

MAR 07 2018
 1:41pm

2018 JAN 23 P 3:58
 OFFICE OF
 ADMINISTRATIVE LAW

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2017, 42-2	PUBLICATION DATE 10/20/2017

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Enrollment Assistance	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 6656, 6657, 6660, 6664
	REPEAL
TITLE(S) 10	

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)


<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Brian Kearns	TELEPHONE NUMBER 916-228-8843	FAX NUMBER (Optional) 916-403-4468	E-MAIL ADDRESS (Optional) brian.kearns@covered.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 1/19/18
TYPED NAME AND TITLE OF SIGNATORY Peter V. Lee, Executive Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAR 07 2018

Office of Administrative Law

California Code of Regulations

Title 10. Investment

Chapter 12. California Health Benefit Exchange (§ 6650 et seq.)

Article 8. Enrollment Assistance.

California Code of Regulations

§ 6656. Navigator Program Request for Application and Selection Criteria.

[(a)(1)-(7): No change]

(b) The Navigator Grant Program Application shall contain the following information.

(1) Individual or Organization Information

[(b)(1)(A)-(F): No change]

~~(G) Fax number;~~

~~(G)(H) E-mail address; and~~

~~(H)(I) Website address.~~

(2) Primary contact information:

(A) Primary contact name ~~person~~;

(B) Physical address;

(C) Phone number; and

~~(D) Fax number; and~~

~~(D)(E) E-mail address.~~

[(b)(3): No change]

(4) Previous experience ~~involving~~ performing the Navigator Program activities.

[(b)(5)-(6): No change]

(7) Subcontractor('s) information:

...

- (G) Fax number;
- (G)(H) E-mail address; and
- (H)(I) Website address.

(8) Subcontractor('s) primary contact information:

- [(b)(8)(A)-(B): No change]
- (C) Phone number; and
- ~~(D) Fax number; and~~
- ~~(D)(E) E-mail address.~~

[(b)(9)-(13): No change]

(14) Letter(s) of reference from organizations that have previously collaborated with the applicant with.

...

Note: Authority cited: Sections 100502 and 100504, Government Code. Reference: Sections 100502 and 100503, Government Code; and 45 CFR §§ 155.205, 155.210 and 155.260.

§ 6657. Certified Enrollment Counselor Application

[(a)(1)-(4): No change]

(b) An individual's application to become a Certified Enrollment Counselor shall contain the following information:

(1) Name, e-mail address, primary and secondary phone number, ~~and preferred method of communication;~~

[(b)(2): No change]

~~(3) Identification of the Certified Enrollment Entity that the individual will affiliate with;~~

~~(4) Affiliated Certified Enrollment Entity's primary site location address;~~

~~(5) Site(s) served by the individual;~~

~~(6) Mailing address of the primary site for the Certified Enrollment Entity;~~

~~(3)~~ (7) Languages that the applicant can speak ~~An indication of the languages that the Certified Enrollment Counselor can speak;~~

~~(4)~~ (8) Languages that the applicant can write ~~An indication of the languages that the Certified Enrollment Counselor can write;~~

~~(5)~~ (9) Disclosure of all criminal convictions and administrative actions taken against the individual;

~~(6)~~ (10) A certification by the individual that:

(A) The individual ~~complies with~~ will comply with the agreement between the Certified Enrollment Entity and the Exchange as well as all requirements set forth in this Article, including but not limited to Section 6666;

(B) The individual is a natural person of not less than 18 years of age; and

(C) The statements made in the application are true, correct, and complete to the best of his or her knowledge and belief;

(D) The individual will abide by all privacy and security standards set forth in the agreement between the Certified Enrollment Entity and the Exchange; and

(E) The individual will adhere to all applicable State and Federal laws and regulations.

...

(c) A Certified Enrollment Entity shall notify the Exchange of every individual to be added or removed as an affiliated Certified Enrollment Counselor. Such notification shall include:

[(c)(1)-(4): No change]

~~(5) An indication of whether the individual is certified as an Certified Enrollment Counselor, and if so, the following information:~~

~~(A) Certification number; and~~

~~(5) (B) When adding an individual, s Site(s) that the individual will serve to be served by the individual.~~

Note: Authority cited: Sections 100502 and 100504, Government Code. Reference: Sections 100502 and 100503, Government Code; and 45 C.F.R. §§ 155.205, 155.210 and 155.260.

§ 6660. Training Standards.

[(a): No change]

(b) To ensure that all Certified Enrollment Counselors are prepared to serve both the individual Exchange ~~and the Small Business Health Options Program~~, all individuals or entities who carry out Consumer Assistance functions shall complete training in the following subjects prior to carrying out any Consumer Assistance functions:

...

Note: Authority cited: Section 100504, Government Code. Reference: Sections 100502 and 100503, Government Code; and 45 C.F.R. §§ 155.205, 155.210 and 155.260.

§ 6664. Roles & Responsibilities.

(a) Certified Enrollment Entities and Certified Enrollment Counselors shall perform the following functions:

[(a)(1)-(5): No change]

(6) Prior to receiving access to any consumer's personally identifiable information, as defined in section 6650 of Article 8, the Certified Enrollment Counselor shall:

[(a)(6)(A)-(J): No change]

(K) Maintain a record of such authorizations for a minimum of ~~six (6)~~ ten (10) years.

...

Note: Authority cited: Sections 100502 and 100504, Government Code. Reference: Sections 1043, 100502, and 100503, Government Code; and 45 C.F.R. §§ 155.205, 155.210, 155.215 and 155.260.