DEPARTMENT OF HEALTH & HUMAN SERVICES   Centers for Medicare & Medicaid Services

Date: September 4, 2013

Subject: Frequently Asked Question regarding Qualified Health Plan (QHP) Issuers and Agents and Brokers

Q: What are the Minimum Acceptable Risk Standards for Exchanges (MARS-E) requirements that apply to agents and brokers who will assist consumers with applications for determinations of eligibility to enroll in insurance affordability programs, including Qualified Health Plans (QHPs), and/or to receive advance payments of the premium tax credit (APTCs), and/or cost-sharing reductions (CSRs) using the Federally-facilitated Marketplace (FFM) Web site; and who will assist qualified individuals as they select and enroll in QHPs using issuer systems?

A: All agents and brokers providing assistance with applications for determinations of eligibility to enroll in insurance affordability programs, including QHPs, and/or to receive APTCs and/or CSRs through the FFMs must comply with the FFM privacy and security standards for non-Marketplace entities as a condition of their agreements with CMS.

In large part, these functions will be carried out over a CMS-provided, MARS-E compliant FFM platform accessible over the Internet. Nonetheless, the agent or broker must ensure that the computer and work space used to access this FFM platform also comply with the MARS-E requirements. Agents and brokers who will use a QHP issuer's computers and work space to perform these functions must make sure that the issuer's computers and work space are compliant with relevant privacy and security provisions of their agreements with CMS. Because issuers typically have procedures already in place to address general computer and work space security, the agent's or broker's compliance with many of these requirements should not be overly burdensome. For example, the agent or broker must ensure that the computer and work space used to access the FFM platform are compliant with the following MARS-E requirements, among others:

Relevant Security Control	MARS-E Reference
• Label and account for computers • Permit only a small number of authorized persons to change the settings of or load software onto computers (administrator privilege) • Require user ID and password for computer access • Ensure computer settings do not store passwords • Ensure malicious code and virus protection software is installed on each computer	CM-05, CM-08, IA-02, SI-3
• Protect applicant information on physical and electronic media used during the assistance session to prevent inadvertent disclosure to other parties • Ensure all software applications running on the computer are closed prior to entering a Marketplace application or plan selection process • When disposing computers, printers, or fax machines at the end of their life-cycle, storage in these devices must be destroyed following MP-06 guidance	MP-02, MP-06, SI-03
• Locate printers and fax machines away from public access	PE-05