



# The Enrollment Coalition

The Honorable Chiquita Brooks-LaSure  
Administrator  
Centers for Medicare & Medicaid Services  
U.S. Department of Health and Human Services  
200 Independence Avenue SW  
Washington, D.C. 20201

## **RE: CMS-9888-P, HHS Notice of Benefit and Payment Parameters for 2026**

The Enrollment Coalition appreciates the opportunity to comment on the HHS Notice of Benefit and Payment Parameters for 2026 proposed rule (CMS-9888-P).

The Enrollment Coalition is a group of organizations across the health care community, including consumer advocates, patient advocates, health plans, health care providers, employers, and technology and data organizations. Our mission is to collaboratively identify, develop, and advance actionable policy recommendations for federal policymakers aimed at improving enrollment data, systems, and processes to foster the enrollment of uninsured Americans under age 65 into existing health coverage plans and programs for which they are otherwise eligible.

### **Agents and Brokers Oversight**

CMS proposes to amend its authority to immediately suspend an agent's or broker's ability to transact information with the Exchange if CMS discovers circumstances that pose unacceptable risk to the accuracy of the Exchange's eligibility determinations, Exchange operations, applicants, or enrollees, or Exchange information technology systems, including but not limited to risk related to noncompliance with the standards of conduct or privacy and security standards, until the incident or breach is sufficiently remedied or sufficiently mitigated to HHS' satisfaction. CMS also proposed compliance reviews and enforcement actions against lead agents to hold them responsible for violations of Marketplace standards when appropriate.

The Enrollment Coalition believes there is a role for agents and brokers in advancing the shared goal of enrolling people in – or maintaining their enrollment in – health coverage for which they are eligible. The Enrollment Coalition is also very concerned about the reports of unauthorized and fraudulent activity by agents and brokers and appreciates that CMS has taken several steps to address and prevent such unauthorized and fraudulent activities.<sup>1</sup> We support greater protection for consumers and transparency for the agents and brokers who serve them and encourage continued transparency in enrollment processes to ensure consumers are afforded appropriate plan selections. While it is important that actions taken do not establish additional hurdles for consumers to enroll in a plan, it is critical to protect consumers from fraudulent activity. This is particularly important as consumers may be unaware of tax liability or unexpected out of pocket expenses due to changes in plan provider networks.

### **Model Consent Form Updates**

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<sup>1</sup> <https://www.cms.gov/newsroom/press-releases/cms-statement-agent-and-broker-marketplace-activity>

CMS is proposing to modify the Model Consent Form that was created as part of the 2024 Payment Notice to include a section for documentation of consumer review and confirmation of the accuracy of their Exchange eligibility application information, as well as scripts agents, brokers, and web-brokers could use to document compliance with these requirements via an audio recording.

We appreciate the steps CMS is taking to ensure consumers are reviewing and confirming Exchange eligibility application information and support the proposed updates to the model consent forms.

### **Failure to File**

CMS proposes to require that Marketplaces notify enrollees or their tax filers who have failed to file their federal income taxes and reconcile their advanced premium tax credits (APTCs) for two consecutive tax years that they are at risk of losing APTCs.

The Enrollment Coalition supports this proposal to inform consumers for two consecutive tax years if they are at risk of losing APTCs. In February 2023, 91 percent of total Marketplace enrollees receive APTCs.<sup>2</sup> Given so many consumers utilize APTCs the additional notice of potential risk for losing APTCs is important for consumers as they make health coverage decisions. We strongly prioritize keeping uninsurance rates low by supporting policies that ensure access to affordable coverage. Ensuring consumer access to APTCs would mitigate greater implications for the health care system resulting from potential uncompensated care and medical debt resulting from a lapse in coverage.

Thank you for your consideration of these comments.

Sincerely,  
The Enrollment Coalition

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<sup>2</sup> <https://www.cms.gov/files/document/early-2023-and-full-year-2022-effectuated-enrollment-report.pdf>