



November 19, 2019

Frequently Asked Questions (FAQs) Regarding non-FFE Disclaimer Display for Direct Enrollment (DE) Issuers Serving Consumers in States with Federally-facilitated Exchanges (FFEs) and State-based Exchanges on the Federal Platform (SBE-FPs)

These FAQs clarify disclaimer display requirements for qualified health plan (QHP) issuers offering a DE website to consumers.

For any questions regarding these FAQs, please contact DE Support at directenrollment@cms.hhs.gov.

1. Is there a difference between the language in the General non-FFE Disclaimer for issuers participating in DE and web-brokers?

Yes, the required General non-FFE Disclaimer language is different for issuers participating in DE and web-brokers.¹ The language of the disclaimers and additional information about disclaimer requirements for issuers participating in DE and web-brokers is detailed in previously released CMS guidance.²

2. What disclaimer should be displayed on a QHP issuer's white-label DE or enhanced DE (EDE) website when the website is hosted on a web-broker's DE or EDE platform?

If a web-broker is hosting a QHP issuer's white-label DE or EDE website on its platform, it must display the QHP issuer disclaimer with the applicable QHP issuer's name in place of the "[Name of Company]" in the model disclaimer.

¹ Issuers participating in DE are required to inform all applicants of the availability of other QHP products offered through the Exchange through an HHS-approved universal disclaimer (see 45 C.F.R. 156.1230(a)(1)(iv)). Web-brokers are required to display a standardized disclaimer provided by HHS (see 45 C.F.R. 155.220(c)(3)(i)(G)).

² *FFE and Federally-facilitated Small Business Health Options Program (FF-SHOP) Enrollment Manual* (see section 5.3.1 for the issuer disclaimer language and display guidance): https://www.regtap.info/uploads/library/ENR_EnrollmentManualForFFEandFF-SHOP_v1_5CR_092519.pdf; *Guidance for Web-brokers Registered with the Federally-facilitated Marketplaces* (see section II.B for the web-broker disclaimer language and display guidance): <https://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/Downloads/Guidance-Web-brokers-FFMs.pdf>.