

(a) Article 8. Enrollment Assistance.

- (1) Name of the Certified Enrollment Entity and the Certified Enrollment Entity Number;
- (2) Name and signature of the Authorized Contact from the Certified Enrollment Entity;
- (3) Name, e-mail, and primary phone number of the individual to be added or removed;
- (4) Effective date for the addition or removal of the individual; and
- (5) An indication of whether the individual is certified as an Certified Enrollment Counselor, and if so, the following information:
 - (A) Certification number; and
 - (B) When adding an individual, site(s) 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.

§ 6658. Certified Enrollment Counselor Fingerprinting and Criminal Record Checks.

(a) Roles Requiring Fingerprinting

- (1) All Certified Enrollment Counselors shall submit fingerprint images and associated criminal history information pursuant to Section 6456(a)-(e) of Article 4 of this Chapter.

(b) Interim Fitness Determination.

- (1) Before any final determination or certification decision is made based on the criminal record, the Exchange shall comply with the requirements of Section 6456(d)-(e) of Article 4 of this Chapter.
- (2) If the Exchange finds that an individual whose duties require fingerprinting under subdivision (a) of this section has a potentially disqualifying criminal record under Section 6456(d)-(e) of Article 4 of this Chapter, the Exchange shall promptly provide the individual with a copy of his or her criminal record pursuant to Penal Code Section 11105(t), notify the individual of the specific disqualifying offense(s) for the interim determination, and provide the individual information on how to request a written appeal, including examples of the types of additional evidence the individual may provide, to dispute the accuracy and relevancy of the criminal record.

(c) Appeal and Final Determination.

- (1) (A) If the individual believes that the potentially disqualifying offense in the Federal Bureau of Investigation national criminal response identified in the notice sent pursuant to subdivision (b)(2) of this section is inaccurate or incomplete, within 60 calendar days from the date of the notice, the individual may seek to correct or complete the response by providing information to the

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Exchange, including official court and law enforcement records, identifying and correcting the incomplete or inaccurate criminal history information. Upon receipt of such information, the Exchange shall reevaluate the interim fitness determination. The Exchange, within 60 calendar days, shall respond to the individual with a final determination.

- (B) If the individual believes that the potentially disqualifying offense in the California Department of Justice state criminal response identified in the notice sent pursuant to subdivision (b)(2) of this section is inaccurate or incomplete, within 60 calendar days from the date of the notice, the individual shall notify the Exchange and follow the procedures set forth in Penal Code Sections 11120-11127 to correct or complete the criminal response with the DOJ. The fitness determination shall not be final until the DOJ has acted to correct the state criminal response. Upon receipt of the corrected response, the Exchange shall reevaluate the interim fitness determination. The Exchange, within 60 calendar days, shall respond to the individual with a final determination.

- (2) If the individual determines that his or her criminal record is accurate, within 60 calendar days from the date of the notice in subdivision (b)(2) of this section, the individual may dispute the interim determination by producing additional written evidence of rehabilitation and mitigating circumstances related to any potentially disqualifying offense. The Exchange, within 60 calendar days, shall respond to the individual with a final determination.

- (A) For purposes of reevaluating the interim determination pursuant to subdivision (c)(2) of this section, the Exchange shall take into account any of the following:

- (i) Any additional evidence of rehabilitation and mitigating circumstances provided by the individual in subdivision (c)(2) of this section;
- (ii) Information received as a result of the criminal record check;
- (iii) Information received through the individual's application process for a position requiring fingerprinting in subdivision (a) of this section.
- (iv) Information received as a result of the individual's employment history or qualifications for a position requiring fingerprinting in subdivision (a) of this section.

- (3) Absent good cause for late filing, the interim fitness determination shall become final.

- (d) Costs.

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- (1) The Exchange shall pay the costs incurred by individuals whose duties require fingerprinting under subdivision (a) of this section until December 31, 2014.

Note: Authority cited: Sections 1043 and 100504, Government Code. Reference: Section 100502, Government Code; Section 11105, Penal Code; and 45 C.F.R. §§ 155.205, 155.210, and 155.260.

§ 6660. Training Standards.

- (a) All individuals or entities who apply to become a Certified Enrollment Entity shall complete training for the management of Certified Enrollment Entities prior to any affiliated Certified Enrollment Counselors carrying out any consumer assistance functions.
- (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:
 - (1) QHPs (including the metal levels described at 45 C.F.R. § 156.140(b)), and how they operate, including benefits covered, payment processes, rights and processes for appeals and grievances, and contacting individual plans;
 - (2) The range of insurance affordability programs, including Medicaid, the Children's Health Insurance Program, and other public programs;
 - (3) The tax implications of enrollment decisions;
 - (4) Eligibility requirements for premium tax credits and cost-sharing reductions, and the impacts of premium tax credits on the cost of premiums;
 - (5) Contact information for appropriate federal, state, and local agencies for consumers seeking additional information about specific coverage options not offered through the Exchange;
 - (6) Basic concepts about health insurance and the Exchange; the benefits of having health insurance and enrolling through an Exchange; and the individual responsibility to have health insurance;
 - (7) Eligibility and enrollment rules and procedures, including how to appeal an eligibility determination;
 - (8) Providing culturally and linguistically appropriate services;
 - (9) Ensuring physical and other accessibility for people with a full range of disabilities;
 - (10) Understanding differences among health plans;