

The Broker Bulletin

Community Health Choice Broker Newsletter – Your Partnership Resource



ESSENTIAL 2026 CHANGES YOU NEED TO KNOW

Important updates ahead that will directly impact your business and clients.

In this edition, we spotlight two critical changes coming in 2026 that require your immediate attention:

- **Marketplace APTC Subsidy Reform:** The return of the 400% Federal Poverty Level cliff will significantly affect your middle-income clients' affordability options and coverage decisions.
- **New Broker Compliance Requirements:** Updated Marketplace rules will mandate documented consumer consent and expand CMS oversight authority over Broker activities.

We've included comprehensive resources to help you navigate these changes, maintain compliance, and effectively guide your clients through these transitions. Don't miss the detailed guidance in the following sections to protect your business and serve your clients with confidence.

THIS ISSUE:

- 2 The 400% FPL Cliff Returns: What You Need To Know
- 3 New Broker Requirements for 2026
- 5 Tools & Resources



CommunityHealthChoice.org | 713.295.6760

The 400% FPL Cliff Returns: What You Need To Know



Starting in 2026, a significant change to premium tax credits (APTCs) will directly affect your clients' ability to afford coverage:

- **The 400% FPL Subsidy Cliff Returns:** Clients with incomes above 400% FPL will lose all subsidy eligibility
- **2026 Income Thresholds:**
 - o Individual: \$60,240 (400% FPL cutoff)
 - o Family of four: \$128,600 (400% FPL cutoff)
- **Financial Impact:** Clients just above these thresholds face substantial premium increases as subsidies disappear completely

Additional Critical Changes Affecting Your Clients

- **Unlimited APTC Repayment Liability:** Repayment caps on excess APTCs will be eliminated, requiring clients to repay ALL excess subsidies at tax time
- **Reduced Enrollment Opportunities:** Several special enrollment periods (SEPs) will be discontinued
- **Immigrant Coverage Changes:** The “special income threshold” for certain lawfully present immigrants will be eliminated

New Opportunity: Catastrophic Plan Hardship Exemption

To help offset these changes, CMS has created a new hardship exemption allowing:

- Consumers below 100% FPL or above 400% FPL to enroll in catastrophic health plans
- A more affordable safety net option for clients who lose subsidy eligibility

Your Action Steps

As a trusted advisor, you'll need to:

1. Carefully review client income projections to prevent subsidy eligibility surprises
2. Educate clients about repayment risks if income increases unexpectedly
3. Explore catastrophic coverage options for those losing subsidy eligibility

Additional resources and training on these changes are available in the sections below.

RESOURCES FOR BROKERS

- **CMS Fact Sheet on Catastrophic Hardship Exemption:**
<https://www.cms.gov/newsroom/fact-sheets/expanding-access-health-insurance-consumers-gain-access-catastrophic-health-insurance-plans-2026>
- **2026 Federal Poverty Guidelines:**
https://www.healthreformbeyondthebasics.org/wp-content/uploads/2024/08/REFERENCE_YearlyGuidelines_CY2026-rev.pdf
- **APTC Changes Overview (Thomson Reuters):**
<https://tax.thomsonreuters.com/news/premium-tax-credit-changes-ahead/>
- **Catastrophic Health Plans:**
<https://www.healthcare.gov/choose-a-plan/catastrophic-health-plans/>

New Broker Requirements for 2026: Protecting Your Business Through Compliance



Mandatory Consumer Consent Documentation: What You Need to Implement Now

Starting in 2026, CMS will require all Brokers and agents to obtain and maintain documented consumer consent before assisting with any Marketplace enrollment. Your consent documentation must include:

- Clear scope of assistance
- Specific purpose
- Duration of authorization
- Relevant dates
- All parties involved
- Client's right to rescind consent

Acceptable Documentation Methods:

- Written signature
- Recorded audio consent
- Electronic verification



Action Item: Download and customize CMS's new model consent form and audio scripts, available now to streamline your compliance efforts.

Enhanced CMS Enforcement Powers: What's at Stake

The 2026 final rule significantly strengthens CMS's ability to protect consumers:

- **Immediate Suspension Authority:** CMS can now immediately suspend your Marketplace access if your conduct poses an "unacceptable risk"
- **Expanded Lead Agent Responsibility:** Lead agents are directly accountable for their team members' actions
- **Faster Enforcement Process:** CMS has streamlined procedures to act more quickly in high-risk situations

Your Compliance Checklist

1. **Update Your Consent Procedures:**
 - o Implement proper documentation systems
 - o Create compliant templates
 - o Establish secure storage protocols
2. **Train Your Team:**
 - o Schedule comprehensive training on new requirements
 - o Document completion of training
 - o Create compliance verification procedures

New Broker Requirements for 2026: Protecting Your Business Through Compliance Continued



3. Strengthen Internal Safeguards:

- o Review application verification processes
- o Implement quality control measures
- o Conduct regular compliance audits

Community Health Choice Support

We're committed to helping you navigate these changes successfully. Contact your Community representative for:

- Compliance assistance
- Documentation templates
- Training resources

Don't wait until 2026 – implementing these changes now will protect your business and ensure uninterrupted service to your clients.

RESOURCES FOR BROKERS

- **2026 Final Rule – CMS Fact Sheet:**
<https://www.cms.gov/newsroom/fact-sheets/hhs-notice-benefit-and-payment-parameters-2026-final-rule>
- **CMS Model Consent Form:**
<https://www.cms.gov/files/document/cms-model-consent-form-marketplace-agents-and-brokers.pdf>
- **Georgetown CHIR Summary of 2026 Final Rule:**
<https://chir.georgetown.edu/final-2026-notice-of-benefit-payment-parameters-marketplace-standards-and-insurance-reforms/>
- **Applied Policy Summary of Final Rule:**
<https://www.appliedpolicy.com/cms-releases-final-rule-for-2026-for-health-insurance-marketplaces-aimed-at-safeguarding-consumers-and-improving-transparency-and-health-equity/>
- **Action Benefits Broker Oversight Update:**
<https://blog.actionbenefits.com/agent/broker-oversight-strengthened-in-2026-marketplace-final-rule>



TOOLS & RESOURCES

Streamline your workflow with the Broker portal!

Access to helpful



tools



forms



marketing materials



resources

in one convenient location.

The portal provides everything you need to support your clients—



enrollment materials



plan information



essential documents

Log in regularly for updates and new features.

