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## DIGEST

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Stokes

HB No. 976

**Abstract:** Provides with respect to licensing and regulation by the commissioner of insurance of individuals and entities as navigators for a health benefit exchange authorized under the federal Patient Protection and Affordable Care Act.

Proposed law provides for licensing and regulation by the commissioner of insurance of individuals and entities as navigators for a health benefit exchange authorized under the federal Patient Protection and Affordable Care Act (PPACA), as follows:

- (1) Defines a navigator as a person that, for compensation, provides information or services in connection with eligibility, enrollment, or program specifications of any health benefit exchange operating in this state, including any person that is selected to perform the activities and duties identified in PPACA in this state, any person who receives funds from the U. S. Department of Health and Human Services (HHS) to perform any of the activities and duties identified in PPACA, or any other person certified by the HHS, or a health benefit exchange operating in this state, to perform such defined or related duties irrespective of whether such person is identified as a navigator, certified application counselor, in-person assister, or other title. Excludes any not-for-profit entity disseminating public health information to a general audience.
- (2) Requires licensure by the commissioner of insurance in order to act as a navigator. Further provides that the activities and duties of a navigator shall be deemed to constitute transacting the business of insurance.
- (3) Authorizes navigators to:
  - (a) Provide fair and impartial information and services in connection with eligibility, enrollment, and program specifications of any health benefit exchange operating in this state, including information about the costs of coverage, advance payments of premium tax credits, and cost-sharing reductions.
  - (b) Facilitate the selection of a qualified health plan.
  - (c) Initiate the enrollment process.
  - (d) Provide referrals to any applicable office of health insurance, consumer advocacy or assistance, ombudsman, or other agency for any enrollee with

a grievance, complaint, or question regarding their health plan, coverage, or determination under the plan.

- (e) Use culturally and linguistically appropriate language to communicate the information authorized in proposed law.

(4) Unless licensed as an insurance producer in this state, prohibits a navigator from:

- (a) Selling, soliciting, or negotiating health insurance.
- (b) Engaging in any activity that would require an insurance producer license.
- (c) Providing advice concerning the benefits, terms, and features of a particular health plan or offering advice about which exchange health plan is better or worse for a particular individual or employer.
- (d) Recommending or endorsing a particular health plan or advising consumers about which health plan to choose.
- (e) Providing any information or services related to health benefit plans or other products not offered in the exchange.

(5) Exempts certain entities or persons from the requirement for licensure:

- (a) An entity or person licensed as an insurance producer in this state with authority for health under present law.
- (b) A law firm or licensed attorney in this state.
- (c) A "health care provider" as defined in present law if he does not receive any funds from HHS or a health exchange operating in this state to act as a navigator and if the activities performed are related to advising, assisting, or counseling patients regarding private or public coverage or financial matters related to medical treatments or government assistance programs. However, provides that nothing in proposed law shall prohibit a health care provider from voluntarily becoming licensed as a navigator.

(6) Requires navigators to:

- (a) Be at least 18 years of age.
- (b) Reside in this state or maintain their principal place of business in this state.
- (c) Not be disqualified for having committing any act that would be grounds

for refusal to issue, renew, suspend, or revoke an insurance producer license under R.S. 22:1554.

- (d) Pass a written examination prescribed by the commissioner.
  - (e) When applicable, obtain the written consent of the commissioner as provided by 18 U.S.C. 103, regulating crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce.
  - (f) Identify the entity with which he is affiliated with and supervised.
  - (g) Pay the initial application fee.
- (7) Requires entities that act as a navigator, supervise the activities of individual navigators, or receives funding to perform navigator activities obtain an entity navigator license.
  - (8) Requires the commissioner conduct a criminal history check on each applicant, and provides that the commissioner may require the applicant to submit his fingerprints. Further provides that the fingerprints and any information obtained as a result of the criminal history check is confidential and exempt from the public records law.
  - (9) Provides that a navigator's license is valid for two years and is renewable.
  - (10) Provides that a navigator must comply with any ongoing training and continuing education requirements that are established by the commissioner.
  - (11) Provides that the commissioner may place on probation, suspend, revoke, or refuse to reissue, renew or reinstate a navigator license, or may levy a maximum fine of \$500.00, and provides procedures to appeal the commissioner's sanctions or denial of a license or renewal.
  - (12) Provides that the commissioner may examine and investigate the business affairs and records of any navigator or navigator entity. Further requires that a navigator report any administrative action taken against him in another state or any criminal prosecution.
  - (13) Provides that the commissioner may issue rules and regulations to implement and administer the provisions of the bill.

(Amends R.S. 44:4.1(B)(11); Adds R.S. 22:821(B)(38) and 1569.1-1569.8)