

AMENDMENTS TO LB 568

(Amendments to Standing Committee amendments, AM812)

Introduced by Harr

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Sections 1 to 8 of this act shall be known and
4 may be cited as the Health Insurance Exchange Navigator Licensure
5 Act.

6 Sec. 2. For purposes of the Health Insurance Exchange
7 Navigator Licensure Act:

8 (1) Director means the Director of Insurance;

9 (2) Exchange means any health insurance exchange
10 established or operating in this state, including any exchange
11 established or operated by the United States Department of Health
12 and Human Services; and

13 (3) Navigator means any individual or entity, other than
14 an insurance producer or consultant, that performs any of the
15 activities and duties identified in 42 U.S.C. 18031(i), as such
16 section existed on January 1, 2013.

17 Sec. 3. (1) No individual or entity shall perform, offer
18 to perform, or advertise any service as a navigator in this state
19 unless licensed as a navigator by the director.

20 (2) A navigator may:

21 (a) Conduct public education activities to raise
22 awareness of the availability of qualified health plans offered

1 in the exchange and public insurance programs offered through the
2 exchange;

3 (b) Distribute fair and impartial information concerning
4 enrollment in (i) all qualified health plans offered in the
5 exchange and the availability of the premium tax credits under
6 section 36B of the Internal Revenue Code of 1986 and cost-sharing
7 reductions under section 1402 of the federal Patient Protection and
8 Affordable Care Act and (ii) public insurance programs;

9 (c) Facilitate enrollment in (i) qualified health plans,
10 without suggesting that an individual select a particular plan, and
11 (ii) public insurance programs;

12 (d) Provide referrals to appropriate state or federal
13 agencies for any enrollee with a grievance, complaint, or question
14 regarding their health plan, coverage, or a determination under
15 such plan coverage; or

16 (e) Provide information in a manner that is culturally
17 and linguistically appropriate to the needs of the population being
18 served by the exchange, including individuals with limited English
19 proficiency, and ensure accessibility and usability of navigator
20 tools and functions for individuals with disabilities in accordance
21 with the Americans with Disabilities Act and section 504 of the
22 Rehabilitation Act.

23 (3) A navigator shall not:

24 (a) Engage in any activities that would require an
25 insurance producer license;

26 (b) Offer advice about which health plan is better or
27 worse for a particular individual or employer;

1 (c) Recommend or endorse a particular health plan or
2 advise consumers about which health plan to choose;

3 (d) Provide any information or services related to health
4 plans or other products not offered in the exchange;

5 (e) Accept any compensation or consideration that is
6 dependent, in whole or in part, on whether a person enrolls in or
7 purchases a qualified health plan; or

8 (f) Fail to respond to any written inquiry from the
9 director or request additional reasonable time to respond within
10 fifteen working days.

11 Sec. 4. (1) An individual applying for an individual
12 navigator license shall make application to the director on a
13 form developed by the director and which contains the information
14 prescribed by the director and which, unless preempted by federal
15 law, is accompanied by the initial individual license fee in
16 an amount not to exceed fifty dollars as established by the
17 director. The individual shall declare in the application under
18 penalty of refusal, suspension, or revocation of the license that
19 the statements made in the application are true, correct, and
20 complete to the best of the individual's knowledge and belief.
21 Before approving the application, the director shall find that the
22 individual:

23 (a) Is at least eighteen years of age;

24 (b) Has successfully passed the examination prescribed by
25 the director, except that the director shall exempt an individual
26 from the requirement for passage of an examination if the
27 individual has successfully passed an examination prescribed by an

1 exchange established or operating in this state. The director may
2 make arrangements, including contracting with an outside testing
3 service, for administering examinations and collecting fees imposed
4 pursuant to the Health Insurance Exchange Navigator Licensure
5 Act. Each individual applying for an examination shall remit a
6 nonrefundable fee as prescribed by the director; and

7 (c) Has identified any entity navigator with which he or
8 she is affiliated and supervised.

9 (2) An entity applying for an entity navigator license
10 shall make application on a form developed by the director and
11 which contains the information prescribed by the director and
12 which, unless preempted by federal law, is accompanied by the
13 initial entity license fee in an amount not to exceed one hundred
14 dollars as established by the director.

15 (3) The director may require any documents deemed
16 necessary to verify the information contained in an application
17 submitted in accordance with subsections (1) and (2) of this
18 section.

19 (4) Licensed entity navigators shall, in a manner
20 prescribed by the director, periodically provide the director with
21 a list of all individual navigators that it employs, supervises,
22 or is affiliated with.

23 Sec. 5. (1) An individual navigator's license shall
24 expire on the last day of the month of the navigator's birthday in
25 the first year after issuance in which his or her age is divisible
26 by two and an entity navigator's license shall expire on April 30
27 of each year after the year of issuance which is divisible by two.

1 (2) An individual navigator may file an application for
2 renewal of a license on a form developed by the director and,
3 unless preempted by federal law, shall pay the renewal fee in an
4 amount not to exceed fifty dollars as established by the director,
5 and an entity navigator may file an application for renewal of a
6 license on a form developed by the director and, unless preempted
7 by federal law, shall pay the renewal fee in an amount not to
8 exceed one hundred dollars as established by the director. An
9 individual navigator who fails to file timely for license renewal,
10 unless preempted by federal law, shall pay a late fee in an amount
11 not to exceed seventy-five dollars as established by the director,
12 and an entity navigator that fails to file timely for license
13 renewal, unless preempted by federal law, shall pay a late fee
14 in an amount not to exceed one hundred twenty-five dollars as
15 established by the director.

16 (3) Prior to the filing date for application for
17 renewal of a license, a licensed individual navigator shall comply
18 with ongoing training and continuing education requirements. Such
19 navigator shall file with the director, by a method prescribed
20 by the director, satisfactory certification of completion of the
21 continuing education requirements. Any failure to fulfill the
22 ongoing training and continuing education requirements shall result
23 in the expiration of the license.

24 Sec. 6. On contact with an individual who acknowledges
25 having existing health insurance coverage obtained through
26 a licensed insurance producer, a navigator shall inform the
27 individual that he or she may, but is not required to, seek

1 further assistance from that producer or another licensed producer
2 for information, assistance, and any other services and that tax
3 credits may not be available to offset the premium cost of plans
4 that are marketed outside of the exchange.

5 Sec. 7. (1) The director, after notice and hearing, may
6 place on probation, suspend, revoke, or refuse to issue, renew,
7 or reinstate a navigator license, and, in addition, may levy a
8 fine not to exceed one thousand dollars for each violation, or may
9 do any combination of such actions, for violation of the Health
10 Insurance Exchange Navigator Licensure Act.

11 (2) Except as otherwise provided by law, the director
12 may examine and investigate the business affairs and records of
13 any navigator to determine whether the navigator has engaged or is
14 engaging in any violation of the act.

15 (3) An entity navigator license may be suspended or
16 revoked, or renewal or reinstatement thereof may be refused, or a
17 fine may be levied, with or without a suspension, revocation, or
18 refusal to renew a license, if the director finds, after notice and
19 hearing, that an individual navigator's violation was known by the
20 employing or supervising entity and the violation was not reported
21 to the director and no corrective action was undertaken on a timely
22 basis.

23 Sec. 8. The director may adopt and promulgate rules and
24 regulations to carry out the Health Insurance Exchange Navigator
25 Licensure Act.

26 Sec. 9. If any section in this act or any part of any
27 section is declared invalid or unconstitutional, the declaration

1 shall not affect the validity or constitutionality of the remaining
2 portions.

3 Sec. 10. Since an emergency exists, this act takes effect
4 when passed and approved according to law.