
DIGEST

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Huval

HB No. 614

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 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) Requires that an individual navigator affiliated with such an exchange meet certain qualifications, including completion of 16 hours of pre-licensing training, passage of an examination, licensure by the commissioner of insurance, and payment of fees prescribed by the commissioner.
- (2) Requires that an entity that acts as a navigator, supervises or is responsible for the activities of individual navigators, or receives funding to perform such activities shall obtain a navigator entity license. Further requires that such an entity make application for licensure and designate an individual licensed as a navigator to be responsible for its compliance with proposed law.
- (3) Provides that a navigator license shall be valid for two years. Further provides relative to the application for license renewal as well as renewal fees and late fees. Requires individual licensees to comply with certain ongoing training and continuing education requirements.
- (4) Prohibits certain acts by navigators and specifies that only an insurance producer (agent) may: (a) sell, solicit, or negotiate health insurance; (b) provide advice concerning the terms, of a particular health benefit plan or offer advice about which health benefit plan is better or worse for a particular individual or employer; or (c) recommend a particular health benefit plan or advise consumers about which health benefit plan to choose. Further requires that a navigator, upon contact with a person who acknowledges having existing health insurance coverage obtained through an insurance producer, refer the person back to that insurance producer for information, assistance, and any other services.
- (5) Authorizes the commissioner to place on probation, suspend, revoke, or refuse to issue, renew, or reinstate a navigator license, or to levy a fine not to exceed \$500 for each violation, or any combination of actions, for any cause set forth in present law relative to

grounds for denial, nonrenewal, or revocation of a producer license, or for other good cause. Also authorizes the commissioner to require that restitution be made to any person who has suffered financial injury because of a violation of proposed law. Additionally, gives the commissioner the authority to examine and investigate the business affairs and records of any navigator to determine whether the individual or entity has engaged or is engaging in any violation of proposed law. Specifies that a navigator entity license may be suspended or revoked, renewal or reinstatement thereof may be refused, or a fine may be levied if the commissioner finds that an individual navigator licensee's violation was known or should have been known by such entity and that the violation was not reported to the commissioner on a timely basis. Provides for notice to an applicant or licensee of any such action by the commissioner and provides for an opportunity to be heard pursuant to present law.

- (6) Requires that each navigator report to the commissioner any administrative action taken by a governmental agency against him or any criminal prosecution of him taken in any jurisdiction. Specifies that an entity acting as a navigator that terminates its relationship with an individual navigator shall notify the commissioner if the reason for termination is one of the reasons set forth in present law relative to grounds for denial, nonrenewal, or revocation of a producer license or if the entity has knowledge that the navigator was found by a court or governmental agency to have engaged in any activities that constitute such grounds.
- (7) Provides that present law relative to unfair trade practices in the business of insurance shall apply to navigators. Further provides that the activities of a navigator shall be deemed to constitute transacting the business of insurance.
- (8) Provides that proposed law shall not apply to any individual or entity licensed as an insurance producer in this state.
- (9) Authorizes the commissioner to adopt and promulgate rules necessary for the administration and enforcement of proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 22:1566)