
DIGEST

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Pearson

HB No. 764

Abstract: Provides for licensing of health insurance navigators and registration of non-navigator personnel by the commissioner of insurance.

Proposed law provides for regulation of health insurance navigators and registration of non-navigator personnel by the commissioner of insurance, as follows:

- (1) Provides for definitions, including defining "health insurance navigators" and "non-navigator personnel" as individuals or entities which meet specific requirements.
- (2) Requires that health insurance navigators be licensed by the commissioner of insurance. Also requires non-navigator personnel to register with the commissioner. However, provides for exemptions from proposed law for certain individuals or entities and authorizes the commissioner to grant additional exemptions.
- (3) Requires that individual navigators be at least 18 years old and not be disqualified for any act that would be grounds for denial or revocation of an insurance producer license under present law. Additionally requires that any such navigator complete all training and education required by the federal government or an Exchange. Further provides that any such navigator shall identify any navigator entity with which he is affiliated and by which he is supervised.
- (4) Requires that each entity licensed as a navigator provide the commissioner with a list of licensed individual navigators employed by the entity.
- (5) Provides that a navigator license is valid for two years from the date issued and that the commissioner prescribe the form for an application for license renewal.
- (6) Requires that any applicant for an individual navigator license submit a full set of fingerprints to the commissioner and successfully complete a criminal history and regulatory background check conducted by the commissioner. Further requires that the commissioner submit the fingerprints of each such navigator license applicant to the Louisiana Bureau of Criminal Identification and Information for state and national criminal history checks. Makes applicants' fingerprints and any criminal history record information exempt from the Public Records Law, confidential and privileged, and not subject to discovery or admissible in evidence in any private civil action.

- (7) Authorizes the commissioner to require education and training for individual navigators in addition to that required by the federal government or an Exchange. Limits such education and training to not more than 30 hours for initial education and not more than 15 hours per year for continuing education when combined with education or training required by any office or agency of the federal government or by an Exchange.
- (8) Specifies the activities that navigators and non-navigator personnel may perform and may not perform.
- (9) Provides penalties that the commissioner may impose on navigators for violations of proposed law, including a fine up to \$500 per violation, probation, suspension, or revocation of a navigator license, or refusal to issue, renew, or reinstate a navigator license, and provides for appeal of the commissioner's decision to impose a penalty.
- (10) Requires an individual navigator to report to the commissioner any administrative action taken against him by a governmental agency or any criminal prosecution instituted against him in any jurisdiction within 30 days of the final disposition of the matter. Also requires an individual navigator to report to the commissioner any criminal prosecution instituted against him in any jurisdiction within 30 days of the initial pretrial hearing date.
- (11) Requires an entity acting as a navigator that terminates the employment or other association with an individual navigator to notify the commissioner within 30 days following the effective date of the termination if the reason for the termination is one set forth in present law relative to prohibited activities by producers.
- (12) Requires navigators to file with the commissioner the annual and quarterly progress reports or annual financial reports required to be filed with the Centers for Medicare and Medicaid Services.
- (13) Authorizes the commissioner to promulgate rules and regulations to carry out the provisions of proposed law in accordance with present law, the Administrative Procedure Act.
- (14) Authorizes the commissioner to establish an enforcement moratorium for the provisions of proposed law relative to licensing and training of education of navigators and registration of non-navigator personnel for the purposes of effectuating the provisions of proposed law.
- (15) Deletes provisions contained in present law relative to life insurance which authorized the commissioner to promulgate rules relative to navigators and required the House and Senate insurance committees to review such rules.

(Amends R.S. 44:4.1(B)(11); Adds R.S. 22:1566; Repeals R.S. 22:753(H)(5))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Insurance to the original bill.

1. Clarified which provisions of proposed law apply to individual navigators, navigator entities, and/or non-navigator personnel.
2. Specified that the provision of proposed law prohibiting non-navigator personnel from receiving any direct or indirect compensation from a health insurance issuer or an issuer of health stop loss insurance is only applicable if prohibited by federal law.
3. Deleted provisions contained in present law relative to life insurance which authorized the commissioner to promulgate rules relative to navigators and required the House and Senate insurance committees to review such rules, as such provisions are superceded by proposed law.