

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 236

By: Yen

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6 AS INTRODUCED

7 An Act relating to Health Insurance Navigators;
8 amending Sections 1 and 2, Chapter 321, O.S.L. 2014
9 (36 O.S. Supp. 2014, Sections 1415.2 and 1415.3),
10 which relate to definitions and Navigator
11 Registration; requiring certain inspection;
12 prohibiting Navigators from reporting certain
13 information; and providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY Section 1, Chapter 321, O.S.L.
16 2014 (36 O.S. Supp. 2014, Section 1415.2), is amended to read as
17 follows:

18 Section 1415.2. As used in this act, the term:

19 1. "Exchange" means a state, federal, or partnership exchange
20 or marketplace operating in Oklahoma pursuant to Section 1311 or
21 Section 1321 of the federal act;

22 2. "Federal act" means the federal Patient Protection and
23 Affordable Care Act (Public Law 111-148), as amended by the federal
24 Health Care and Education Reconciliation Act of 2010 (Public Law
111-152), and regulations or guidance issued under those acts;

1 3. "Navigator" means a person, including assistor, application
2 counselor or other person, certified or designated by an exchange to
3 facilitate enrollment in health benefit plans offered by an exchange
4 or to perform any of the other acts described in Section 1311(i) of
5 the federal act. Such term does not include a person licensed as a
6 health insurance producer under the Oklahoma Producer Licensing Act.
7 For the purposes of this act, if an organization or business entity
8 serves as a navigator, an individual performing navigator duties for
9 that organization or business entity shall be considered to be
10 acting in the capacity of a navigator;

11 4. "Navigator entity" means an organization or business entity
12 which employs or oversees the activities of a navigator or which has
13 received and possesses funding for the purpose of employing or
14 overseeing navigators; ~~and~~

15 5. "Personally Identifiable Information" means information
16 which can identify an individual including, but not limited to,
17 name, birth date, social security number, official state- or
18 government-issued driver license or identification number, alien
19 registration number, government passport number, employer or
20 taxpayer identification number; and

21 ~~5.~~ 6. "Registered navigator" means a navigator who has applied,
22 been approved, and maintains approval under the requirements of this
23 act.
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1 SECTION 2. AMENDATORY Section 2, Chapter 321, O.S.L.
2 2014 (36 O.S. Supp. 2014, Section 1415.3), is amended to read as
3 follows:

4 Section 1415.3. A. No navigator shall provide assistance with
5 regard to health benefit plans as a navigator in this state under
6 the provisions of the federal act unless registered in accordance
7 with this act. The Insurance Commissioner must maintain a registry
8 of navigators.

9 B. An individual applying for a navigator registration shall
10 make application on a form developed by the Commissioner and shall
11 declare under penalty of refusal, suspension, or revocation of the
12 registration that the statements made in the application are true,
13 correct, and complete to the best of the applicant's knowledge. The
14 Commissioner may not allow any applicant to register who does not
15 meet or conform to the following qualifications or requirements:

16 1. The applicant shall establish to the satisfaction of the
17 Commissioner that he or she has read and will comply with written
18 materials provided by the Commissioner concerning ethics, consumer
19 privacy, the insurance laws of this state, and any other topic or
20 topics the Commissioner deems necessary and attests to such
21 understanding and intent to comply with all state statutes and
22 rules;

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1 2. The applicant shall attest to an understanding of the
2 disclosure and recordkeeping requirements of the registry and the
3 ability to provide and maintain such documents;

4 3. An applicant shall be not less than eighteen (18) years of
5 age and of good moral character;

6 4. The applicant shall successfully complete a criminal history
7 and regulatory background investigation in the manner that the
8 Commissioner requires;

9 5. The applicant shall identify the entity with which he or she
10 is, or will be, affiliated and supervised; and

11 6. The applicant shall pay a registration fee prescribed by the
12 Commissioner not to exceed Fifty Dollars (\$50.00).

13 C. An entity applying for a navigator entity registration shall
14 make application on a form developed by the Commissioner and shall
15 declare under penalty of refusal, suspension or revocation of the
16 registration that the statements made in the application are true,
17 correct and complete to the best of the applicant's knowledge. The
18 Commissioner shall not issue a registration to any entity applicant
19 that does not meet or conform to the following qualifications or
20 requirements:

21 1. Establishes policies and procedures to ensure that acts that
22 may be performed only by a registered navigator or licensed producer
23 are performed by persons who are appropriately registered or
24 licensed;

1 2. Acknowledges and accepts legal responsibility for the acts
2 of the individual navigators that it employs, supervises, or is
3 affiliated with that are performed in this state and that are within
4 the scope of the navigator's apparent authority; and

5 3. Pays a registration fee prescribed by the Commissioner not
6 to exceed Fifty Dollars (\$50.00).

7 D. The registration of an individual navigator or navigator
8 entity shall expire one year after issuance. An individual
9 applicant for a renewal registration shall provide proof that he or
10 she has completed continuing education as required under the federal
11 act and shall establish to the satisfaction of the Commissioner that
12 he or she has read and will comply with written materials provided
13 by the Commissioner concerning ethics, consumer privacy, the
14 insurance laws of this state and any other topic or topics the
15 Commissioner deems necessary and attests to such understanding and
16 intent to comply with all state statutes and rules.

17 E. A registered individual navigator must:

18 1. Provide a disclaimer in a form prescribed by the
19 Commissioner to each individual or group whom the navigator assists,
20 which shall include the name of the navigator and the navigator
21 entity;

22 2. Record the name and contact information for each individual
23 or group whom the navigator assists in enrolling on the exchange and
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1 the date of contact and provide such information to the navigator
2 entity immediately;

3 3. Allow for an on-site inspection of operations and records
4 specifically related to the fulfillment of the enrollment or
5 assistance with enrollment duties as required by this act by the
6 navigator at any time, including providing summary reports as
7 requested by the Commissioner, which shall not include personally
8 identifiable information;

9 4. Report to the Commissioner any administrative action taken
10 by a governmental agency against the navigator in this state or in
11 any other jurisdiction within thirty (30) calendar days of the final
12 disposition of the matter;

13 5. Report to the Commissioner any criminal prosecution of the
14 navigator taken in any jurisdiction within thirty (30) calendar days
15 of the initial pretrial hearing date; and

16 6. Notify the Commissioner within ten (10) calendar days of any
17 action by an exchange or related party that restricts or terminates
18 the navigator's authorization to act as a navigator.

19 F. A registered navigator entity must:

20 1. Maintain a record of all individuals employed or overseen as
21 a navigator for a period of three (3) years following the
22 termination of the employment or oversight of the individual as a
23 navigator;

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1 2. Maintain all records required to be provided to the
2 navigator entity by registered navigators for a period of three (3)
3 years following the termination of the employment or oversight of
4 each individual as a navigator;

5 3. Allow for an on-site inspection of operations and records
6 specifically related to the fulfillment of the enrollment or
7 assistance with enrollment duties as required by this act by the
8 navigator at any time, including providing summary reports as
9 requested by the Commissioner, which shall not include personally
10 identifiable information;

11 4. Provide the Commissioner with a list of all individual
12 navigators that it employs, supervises or is affiliated with, in a
13 manner prescribed by the Commissioner; and

14 5. Report to the Commissioner any termination of employment,
15 engagement, affiliation or other relationship with an individual
16 navigator within thirty (30) days, using a format prescribed by the
17 Commissioner, if the navigator is terminated for failing to comply
18 with any requirement of this title.

19 G. Any person who acts as a navigator without holding an active
20 registration at the time of the action shall be guilty of a
21 misdemeanor and shall be punished by the imposition of a fine of not
22 more than Two Hundred Fifty Dollars (\$250.00) or imprisonment in the
23 county jail for not less than three (3) months nor more than six (6)
24 months, or be punished by both such fine and imprisonment.

1 H. Any navigator who violates the provisions of this act shall
2 be subject to a civil fine of not less than Fifty Dollars (\$50.00)
3 nor more than Five Hundred Dollars (\$500.00) for each occurrence.

4 I. Any navigator entity that allows an individual who is
5 employed or overseen by the navigator entity to interact with
6 individuals or groups performing any of the functions of a navigator
7 without an active registration shall be subject to a civil fine of
8 not more than Five Hundred Dollars (\$500.00) for each individual or
9 group with whom the unregistered individual interacts as a navigator
10 and a civil fine of not more than Fifty Dollars (\$50.00) for each
11 day the unregistered individual performs acts as a navigator.

12 J. Any navigator entity that fails to retain the documentation
13 required by this act shall be subject to a civil fine of not less
14 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars
15 (\$500.00) for each occurrence.

16 SECTION 3. This act shall become effective November 1, 2015.

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