STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

HOUSE BILL 3286

By: Mulready

AS INTRODUCED

An Act relating to insurance; stating legislative finding; defining terms; requiring navigators that provide certain services to be licensed; providing license application requirements; requiring examination; requiring certain instruction; requiring certain qualifications; requiring continuing education for renewal license; providing penalties for certain violations; prohibiting certain solicitation activities; prohibiting compensation in certain circumstances; directing navigators to provide certain tax credit information; providing that navigator licensing will not constitute other certain licensing; prohibiting certain activities; authorizing the Insurance Commissioner to promulgate rules; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1415.1 of Title 36, unless there is created a duplication in numbering, reads as follows:

The Legislature finds that the provisions of the federal Patient Protection and Affordable Care Act may cause the formation of health insurance exchanges operating in Oklahoma under federal law and employing navigators or navigator entities whose role will be to
direct individuals and companies to health insurance policies. The
Legislature further finds that licensing and regulation of such
navigators or navigator entities to ensure that they are trained and
knowledgeable in the subject matter of individual and group health
insurance plans and insurance coverage are necessary to avoid
substantial risk to the health, safety and welfare of the residents
of this state.

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1415.2 of Title 36, unless there
is created a duplication in numbering, reads as follows:

As used in this act, the term:

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

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

3. "Navigator" means an individual, including assistor,
application counselor or other person, authorized pursuant to the
federal act to provide insurance advice and guidance to uninsured
individuals and groups seeking health insurance coverage. For the
purposes of this act, if an organization or business entity serves
as a navigator, an individual performing navigator duties for that
organization or business entity shall be considered to be acting in
the capacity of a navigator; and

4. "Patient navigator" means an individual who offers
assistance to patients, families and caregivers to help overcome
health care system barriers and to facilitate timely access to
quality medical and psychosocial care as defined by the health care
community he or she serves.

SECTION 3.      NEW LAW      A new section of law to be codified
in the Oklahoma Statutes as Section 1415.3 of Title 36, unless there
is created a duplication in numbering, reads as follows:

A. No navigator shall provide advice, guidance or other
assistance with regard to health benefit plans as a navigator in
this state under the provisions of the federal act unless licensed
in accordance with this act.

B. The Insurance Commissioner shall not issue a license to any
applicant who does not meet or conform to the following
qualifications or requirements:

1. The applicant shall establish to the satisfaction of the
Commissioner that applicant has the background, experience,
knowledge and competency in the subject matter that will enable him
or her to deliver accurate information and advice to individuals and
groups in this state seeking to obtain health insurance coverage
under the provisions of the federal act;
2. The applicant shall have successfully completed not less than thirty-five (35) hours of instruction in health benefit insurance and the exchange provisions of the federal act through a training program approved by the Commissioner;

3. The applicant shall pass such examination as shall be required by the Commissioner unless such applicant is exempted by the Commissioner based on the applicant's experience and qualifications and pursuant to regulations adopted by the Commissioner;

4. An applicant shall be not less than eighteen (18) years of age and of good moral character and must submit in a form approved by the Commissioner such information, including, without limitation, criminal history and regulatory background information as the Commissioner may require; and

5. An applicant for a renewal license shall have completed continuing education classes approved by the Commissioner.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1415.4 of Title 36, unless there is created a duplication in numbering, reads as follows:

A. Violation of any provision of Title 36 of the Oklahoma Statutes or the federal act, including any act or omission that would be a ground for denial, suspension or revocation of the license of an insurance producer under the Oklahoma Producer Licensing Act and of the license of a managing general agent under
the Managing General Agents Act, shall be a ground for denial, suspension or revocation of a license under this act.

B. No navigators shall solicit any person or business that is currently insured under an existing health benefit plan.

C. No navigator shall receive any commission, compensation or anything of value from any insurer, health benefit plan, business or consumer for providing advice or services specifically authorized to be provided as a navigator pursuant to the provisions of the federal act. Navigators shall be compensated for advice or services rendered pursuant to the provisions of the federal act only as provided for by the federal act.

D. Navigators shall provide factually accurate information to uninsured persons and businesses regarding the availability of premium tax credits under Section 36B of the Internal Revenue Code of 1986 and cost-sharing reductions under Section 1402 of the federal act.

E. Licensing as a navigator pursuant to the provisions of this act shall not constitute licensing as a producer as defined in the Oklahoma Producer Licensing Act. No person providing advice or services as a navigator under the provisions of the federal act shall be compensated for such advice or services as the holder of a license issued pursuant to the Oklahoma Producer Licensing Act; provided, however, that the provisions of this subsection shall not prohibit the holder of a license issued pursuant to the Oklahoma
Producer Licensing Act from being compensated for advice or services rendered as such a licensee and not as a navigator. Navigators licensed pursuant to the provisions of this act shall not, except as specifically authorized by the provisions of the federal act:

1. Engage in any activities that would require licensing pursuant to the provisions of the Oklahoma Producer Licensing Act unless licensed thereunder;

2. Provide advice concerning the benefits, terms and features of a particular health benefit plan or offer advice about which health benefit plan is better or worse for a particular individual or business, except in the capacity of a licensee pursuant to the provisions of the Oklahoma Producer Licensing Act; or

3. Recommend a particular health benefit plan or advise individuals or businesses about which health benefit plan to choose, except in the capacity of a licensee pursuant to the provisions of the Oklahoma Producer Licensing Act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1445 of Title 36, unless there is created a duplication in numbering, reads as follows:

The Insurance Commissioner shall be authorized to adopt rules and regulations to effect the implementation of this act.

SECTION 6. This act shall become effective November 1, 2014.