

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 3286

By: Mulready

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5
6 AS INTRODUCED

7 An Act relating to insurance; stating legislative
8 finding; defining terms; requiring navigators that
9 provide certain services to be licensed; providing
10 license application requirements; requiring
11 examination; requiring certain instruction; requiring
12 certain qualifications; requiring continuing
13 education for renewal license; providing penalties
14 for certain violations; prohibiting certain
15 solicitation activities; prohibiting compensation in
16 certain circumstances; directing navigators to
17 provide certain tax credit information; providing
18 that navigator licensing will not constitute other
19 certain licensing; prohibiting certain activities;
20 authorizing the Insurance Commissioner to promulgate
21 rules; providing for codification; and providing an
22 effective date.

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

24 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

1 direct individuals and companies to health insurance policies. The
2 Legislature further finds that licensing and regulation of such
3 navigators or navigator entities to ensure that they are trained and
4 knowledgeable in the subject matter of individual and group health
5 insurance plans and insurance coverage are necessary to avoid
6 substantial risk to the health, safety and welfare of the residents
7 of this state.

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

11 As used in this act, the term:

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

15 2. "Federal act" means the federal Patient Protection and
16 Affordable Care Act (Public Law 111-148), as amended by the federal
17 Health Care and Education Reconciliation Act of 2010 (Public Law
18 111-152), and regulations or guidance issued under those acts;

19 3. "Navigator" means an individual, including assistor,
20 application counselor or other person, authorized pursuant to the
21 federal act to provide insurance advice and guidance to uninsured
22 individuals and groups seeking health insurance coverage. For the
23 purposes of this act, if an organization or business entity serves
24 as a navigator, an individual performing navigator duties for that

1 organization or business entity shall be considered to be acting in
2 the capacity of a navigator; and

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

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

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

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

18 1. The applicant shall establish to the satisfaction of the
19 Commissioner that applicant has the background, experience,
20 knowledge and competency in the subject matter that will enable him
21 or her to deliver accurate information and advice to individuals and
22 groups in this state seeking to obtain health insurance coverage
23 under the provisions of the federal act;

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1 2. The applicant shall have successfully completed not less
2 than thirty-five (35) hours of instruction in health benefit
3 insurance and the exchange provisions of the federal act through a
4 training program approved by the Commissioner;

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

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

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

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

20 A. Violation of any provision of Title 36 of the Oklahoma
21 Statutes or the federal act, including any act or omission that
22 would be a ground for denial, suspension or revocation of the
23 license of an insurance producer under the Oklahoma Producer
24 Licensing Act and of the license of a managing general agent under

1 the Managing General Agents Act, shall be a ground for denial,
2 suspension or revocation of a license under this act.

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

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

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

17 E. Licensing as a navigator pursuant to the provisions of this
18 act shall not constitute licensing as a producer as defined in the
19 Oklahoma Producer Licensing Act. No person providing advice or
20 services as a navigator under the provisions of the federal act
21 shall be compensated for such advice or services as the holder of a
22 license issued pursuant to the Oklahoma Producer Licensing Act;
23 provided, however, that the provisions of this subsection shall not
24 prohibit the holder of a license issued pursuant to the Oklahoma

1 Producer Licensing Act from being compensated for advice or services
2 rendered as such a licensee and not as a navigator. Navigators
3 licensed pursuant to the provisions of this act shall not, except as
4 specifically authorized by the provisions of the federal act:

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

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

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

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

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

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

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24 54-2-9816 AMM 01/16/14