

AMENDMENTS TO LB 568

Introduced by Harr

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Sections 1 to 8 of this act shall be known
4 and may be cited as the Health Insurance Exchange Navigator
5 Registration Act.

6 Sec. 2. For purposes of the Health Insurance Exchange
7 Navigator Registration Act:

8 (1) Director means the Director of Insurance;

9 (2) Exchange means any health insurance exchange
10 established or operating in this state, including any exchange
11 established or operated by the United States Department of Health
12 and Human Services; and

13 (3) Navigator means any individual or entity, other than
14 an insurance producer or consultant, that receives any funding,
15 directly or indirectly, from an exchange, the state, or the
16 federal government to perform the duties identified in 42 U.S.C.
17 18031(i)(3), as such section existed on January 1, 2013.

18 Sec. 3. (1) No individual or entity shall perform, offer
19 to perform, or advertise any service as a navigator in this state
20 unless registered as a navigator by the director.

21 (2) A navigator shall not:

22 (a) Engage in any activities that would require an
23 insurance producer license;

- 1 (b) Violate section 44-4050;
2 (c) Recommend or endorse a particular health plan;
3 (d) Accept any compensation or consideration from an
4 insurance company, broker, or consultant that is dependent, in
5 whole or in part, on whether a person enrolls in or purchases a
6 qualified health plan; or

- 7 (e) Fail to respond to any written inquiry from the
8 director regarding the navigator's duties as a navigator or fail
9 to request additional reasonable time to respond within fifteen
10 working days.

11 Sec. 4. (1) An individual applying for an individual
12 navigator registration shall make application to the director on a
13 form developed by the director which, unless preempted by federal
14 law, is accompanied by the initial individual registration fee in
15 an amount not to exceed twenty-five dollars as established by the
16 director. The individual shall declare in the application under
17 penalty of refusal, suspension, or revocation of the registration
18 that the statements made in the application are true, correct,
19 and complete to the best of the individual's knowledge and belief.
20 Before approving the application, the director shall find that the
21 individual:

- 22 (a) Is at least eighteen years of age;
23 (b) Has successfully passed an examination prescribed by
24 an exchange established or operating in this state and has been
25 authorized to act as a navigator; and
26 (c) Has identified any entity navigator with which he or
27 she is affiliated and supervised.

1 (2) An entity applying for an entity navigator
2 registration shall make application on a form developed by the
3 director and which contains the information prescribed by the
4 director and which, unless preempted by federal law, is accompanied
5 by the initial entity registration fee in an amount not to exceed
6 fifty dollars as established by the director.

7 (3) The director may require any documents deemed
8 necessary to verify the information contained in an application
9 submitted in accordance with subsections (1) and (2) of this
10 section.

11 (4) A registered navigator shall, in a manner prescribed
12 by the director, notify the director within thirty days of
13 any federal action that restricts or terminates the navigator's
14 authorization to act as a navigator.

15 (5) A registered entity navigator shall, in a manner
16 prescribed by the director, provide the director with a list of all
17 individual navigators that it employs, supervises, or is affiliated
18 with.

19 Sec. 5. (1) Individual and entity registrations shall
20 expire one year after the date of issuance.

21 (2) An individual navigator may file an application for
22 renewal of a registration on a form developed by the director
23 and, unless preempted by federal law, shall pay the renewal fee
24 in an amount not to exceed twenty-five dollars as established by
25 the director, and an entity navigator may file an application for
26 renewal of a registration on a form developed by the director
27 and, unless preempted by federal law, shall pay the renewal fee

1 in an amount not to exceed fifty dollars as established by the
2 director. An individual navigator who fails to file prior to the
3 expiration of the current registration for registration renewal,
4 unless preempted by federal law, shall pay a late fee in an amount
5 not to exceed fifty dollars as established by the director, and an
6 entity navigator that fails to file prior to the expiration of the
7 current registration for registration renewal, unless preempted by
8 federal law, shall pay a late fee in an amount not to exceed fifty
9 dollars as established by the director.

10 (3) Any failure to fulfill the federal ongoing training
11 and continuing education requirements shall result in the
12 expiration of the registration.

13 Sec. 6. On contact with an individual who acknowledges
14 having existing health insurance coverage obtained through a
15 licensed insurance producer, a navigator shall make a reasonable
16 effort to inform the individual that he or she may, but is
17 not required to, seek further assistance from that producer or
18 another licensed producer for information, assistance, and any
19 other services and that tax credits may not be available to
20 offset the premium cost of plans that are marketed outside of the
21 exchange.

22 Sec. 7. (1) The director, after notice and hearing, may
23 place on probation, suspend, revoke, or refuse to issue, renew,
24 or reinstate a navigator registration for violation of the Health
25 Insurance Exchange Navigator Registration Act.

26 (2) Except as otherwise provided by law, the director
27 may examine and investigate the business affairs and records

1 of any navigator as such business affairs and records regard
2 the navigator's duties as a navigator to determine whether the
3 navigator has engaged or is engaging in any violation of the act.

4 (3) An entity navigator registration may be suspended
5 or revoked or renewal or reinstatement thereof may be refused if
6 the director finds, after notice and hearing, that an individual
7 navigator's violation was known by the employing or supervising
8 entity navigator and the violation was not reported to the director
9 and no corrective action was undertaken.

10 Sec. 8. The director may adopt and promulgate rules and
11 regulations to carry out the Health Insurance Exchange Navigator
12 Registration Act.

13 Sec. 9. If any section in this act or any part of any
14 section is declared invalid or unconstitutional, the declaration
15 shall not affect the validity or constitutionality of the remaining
16 portions.

17 Sec. 10. Since an emergency exists, this act takes effect
18 when passed and approved according to law.