

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE DRH30336-ME-74 (03/28)

Short Title: Licensing of Health Insurance Navigators. (Public)

Sponsors: Representative Collins.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR LICENSING OF HEALTH INSURANCE NAVIGATORS
3 UNDER THE FEDERAL AFFORDABLE CARE ACT.

4 Whereas, the federal Affordable Care Act provides for navigators to assist
5 individuals in enrollment in health benefit plans using the health benefit exchange operating in
6 this State; and

7 Whereas, the licensing and regulation of such navigators to ensure that they are
8 trained and knowledgeable in the subject matter of individuals and group health insurance plans
9 and insurance coverage is necessary to avoid substantial risk to the health, safety, and welfare
10 of the residents of this State; Now, therefore,

11 The General Assembly of North Carolina enacts:

12 SECTION 1. Article 50 of Chapter 58 of the General Statutes is amended by
13 adding a new Part to read as follows:

14 "Part 8. Health Insurance Navigators.

15 **"§ 58-50-300. Definitions.**

16 The following definitions apply in this Part:

- 17 (1) Affordable Care Act. – The federal Patient Protection and Affordable Care
18 Act, P.L. 111-148, as amended, and any regulations or guidance issued
19 thereunder.
20 (2) Exchange. – A State, federal, or partnership exchange operating in North
21 Carolina pursuant to Section 1311 of the Affordable Care Act.
22 (3) Insurance producer. – As defined in G.S. 58-33-10.
23 (4) Navigator. – An individual, including assistants, application counselors, or
24 other persons, authorized pursuant to the Affordable Care Act to provide
25 insurance advice and guidance to uninsured individuals and groups seeking
26 health insurance coverage on an exchange. For the purposes of this Part, if
27 an organization or business entity serves as a navigator, any individual
28 performing navigator duties for that organization or business entity shall be
29 considered to be acting in the capacity of a navigator.
30 (5) Patient navigator. – An individual who offers assistance to patients, families,
31 and caregivers to help overcome health care system barriers and to facilitate
32 timely access to quality medical and psycho-social care as defined by the
33 health care community he or she serves.

34 **"§ 58-50-305. Licensing of navigators.**

35 (a) No individual shall function as a navigator unless licensed in accordance with this
36 Part.



1 **(b)** The Commissioner shall issue a license to an applicant who meets all of the
2 following:

- 3 **(1)** The applicant shall establish to the satisfaction of the Commissioner that he
4 or she has the background, experience, knowledge, and competency in the
5 subject matter that will enable him or her to deliver accurate information and
6 advice to individuals and groups in this State seeking to obtain health
7 insurance coverage under the provisions of the Affordable Care Act.
- 8 **(2)** The applicant shall have successfully completed not less than 35 hours of
9 instruction in health benefit insurance and the exchange provisions of the
10 Affordable Care Act satisfactory to the Commissioner through a training
11 program approved by the Commissioner.
- 12 **(3)** The applicant shall pass such examination as shall be required by the
13 Commissioner unless such applicant is exempted by the Commissioner
14 based on the applicant's experience and qualifications and pursuant to
15 regulations adopted by the Commissioner.
- 16 **(4)** An applicant shall be not less than 18 years of age.
- 17 **(5)** An applicant shall be of good moral character and must submit, in a form
18 approved by the Commissioner, any information, including criminal history
19 and regulatory background information, as the Commissioner may require.
- 20 **(5)** An applicant for a renewal license shall have completed continuing
21 education classes approved by the Commissioner.

22 **"§ 58-50-310. Permitted acts.**

23 A navigator licensed under this Part shall provide factually accurate insurance advice and
24 guidance to uninsured individuals and groups seeking health insurance coverage on an
25 exchange. A navigator shall also provide factually accurate information to uninsured persons
26 and businesses regarding the availability of premium tax credits under Section 36B of the
27 Internal Revenue Code of 1986 and cost-sharing reductions under Section 1402 of the
28 Affordable Care Act.

29 **"§ 58-50-315. Prohibited acts.**

30 **(a)** Violation of any provision of this Part or the Affordable Care Act, including any act
31 or omission that would be a ground for denial, suspension, or revocation of the license of any
32 insurance producer, shall be a ground for denial, suspension, or revocation of a license under
33 this Part.

34 **(b)** No navigator shall solicit any person or business that is currently insured under an
35 existing health benefit plan.

36 **(c)** No navigator shall receive any commission, compensation, or anything of value
37 from any insurer, health benefit plan, business, or consumer for providing advice or services
38 specifically authorized to be provided as a navigator pursuant to the provisions of the
39 Affordable Care Act. Navigators shall be compensated for advice or services rendered only as
40 allowed under the Affordable Care Act. This subsection shall not prohibit the holder of any
41 insurance producer license from being compensated for advice or services rendered pursuant to
42 the producer's license and not as a navigator.

43 **(d)** Licensing as a navigator pursuant to the provisions of this Part shall not constitute
44 licensing as any type of insurance producer. Navigators licensed pursuant to the provisions of
45 this Article shall not, except as specifically authorized by the provisions of the Affordable Care
46 Act, do any of the following:

- 47 **(1)** Engage in any activities that would require licensing as an insurance
48 producer in this State, unless so licensed.
- 49 **(2)** Provide advice concerning the benefits, terms, and features of a particular
50 health benefit plan or offer advice about which health benefit plan is better

1 or worse for a particular individual or business, except in the capacity of a
2 licensed insurance producer.
3 (3) Recommend a particular health benefit plan or advise individuals or
4 businesses about which health benefit plan to choose, except in the capacity
5 of a licensed insurance producer.
6 **§ 58-50-320. Adoption of rules.**
7 The Commissioner may adopt rules to implement this Part.
8 **§ 58-50-325. No application to patient navigators.**
9 The provisions of this Part do not apply to patient navigators."
10 **SECTION 2.** This act is effective when it becomes law.