

House Bill 198

By: Representatives Smith of the 134th, Meadows of the 5th, Maxwell of the 17th, Shaw of the 176th, Abrams of the 89th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to
2 provide for licensing of health insurance navigators under the federal Patient Protection and
3 Affordable Care Act; to provide for definitions; to provide for the powers and duties of the
4 Commissioner of Insurance with respect to the foregoing; to provide for related matters; to
5 provide for applicability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by
9 adding a new article to read as follows:

10 "ARTICLE 3

11 33-23-200.

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

20 33-23-201.

21 As used in this article, the term:

22 (1) 'Exchange' means a state, federal, or partnership exchange or marketplace operating
23 in Georgia pursuant to Section 1311 of the federal act.

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

27 (3) 'Navigator' means an individual, including assistors, application counselors, or other
28 persons, authorized pursuant to the federal act to provide insurance advice and guidance
29 to uninsured individuals and groups seeking health insurance coverage. For the purposes
30 of this article, if an organization or business entity serves as a navigator, an individual
31 performing navigator duties for that organization or business entity shall be considered
32 to be acting in the capacity of a navigator.

33 33-23-202.

34 (a) No navigator shall provide advice, guidance, or other assistance with regard to health
35 benefit plans as a navigator under the provisions of the federal act unless licensed in
36 accordance with this article.

37 (b) The Commissioner shall not issue a license to any applicant who does not meet or
38 conform to the following qualifications or requirements:

39 (1) The applicant shall establish to the satisfaction of the Commissioner that he or she
40 has the background, experience, knowledge, and competency in the subject matter that
41 will enable him or her to deliver accurate information and advice to individuals and
42 groups in this state seeking to obtain health insurance coverage under the provisions of
43 the federal act;

44 (2) The applicant shall have successfully completed not less than 35 hours of instruction
45 in health benefit insurance and the exchange provisions of the federal act satisfactory to
46 the Commissioner through a training program approved by the Commissioner;

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

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

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

56 33-23-203.

57 (a) Violation of any provision of this title or the federal act, including any act or omission
58 that would be a ground for denial, suspension, or revocation of the license of an agent as
59 defined in Article 1 of this chapter, shall be a ground for denial, suspension, or revocation
60 of a license under this article.

61 (b) No navigators shall solicit or assist any person or business that is currently insured
62 under an existing health benefit plan.

63 (c) No navigator shall receive any commission, compensation, or anything of value from
64 any insurer, health benefit plan, business, or consumer for providing advice or services
65 specifically authorized to be provided as a navigator pursuant to the provisions of the
66 federal act. Navigators shall be compensated for advice or services rendered pursuant to
67 the provisions of the federal act.

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

72 (e) Notwithstanding any other provision of law, licensing as a navigator pursuant to the
73 provisions of this article shall not constitute licensing as an agent or administrator as
74 defined in Articles 1 and 2 of this chapter. No person providing advice or services as a
75 navigator under the provisions of the federal act shall be compensated for such advice or
76 services as the holder of a license issued pursuant to Article 1 or 2 of this chapter;
77 provided, however, that the provisions of this subsection shall not prohibit the holder of a
78 license issued pursuant to such articles from being compensated for advice or services
79 rendered as such a licensee and not as a navigator. Navigators licensed pursuant to the
80 provisions of this article shall not, except as specifically authorized by the provisions of the
81 federal act:

82 (1) Engage in any activities that would require licensing pursuant to the provisions of
83 Article 1 or 2 of this chapter unless licensed thereunder;

84 (2) Provide advice concerning the benefits, terms, and features of a particular health
85 benefit plan or offer advice about which health benefit plan is better or worse for a
86 particular individual or business, except in the capacity of a licensee pursuant to the
87 provisions of Article 1 or 2 of this chapter; or

88 (3) Recommend a particular health benefit plan or advise individuals or businesses about
89 which health benefit plan to choose, except in the capacity of a licensee pursuant to the
90 provisions of Article 1 or 2 of this chapter.

91 33-23-204.

92 The Commissioner shall be authorized to adopt rules and regulations to effect the
93 implementation of this article."

94 **SECTION 2.**

95 The provisions of this Act shall become applicable only upon the notification by the federal
96 Department of Health and Human Services or other responsible federal agency or official to
97 the Governor, the Commissioner of Insurance, or other responsible agency or official of the
98 State of Georgia that a health insurance exchange has been created or approved to operate
99 within the State of Georgia pursuant to the provisions of the federal Patient Protection and
100 Affordable Care Act (Public Law 111-148), as amended by the federal Health Care and
101 Education Reconciliation Act of 2010 (Public Law 111-152), and any amendments thereto,
102 or regulations or guidance issued under those acts, or upon the initiation of operation of any
103 such exchange within the State of Georgia.

104 **SECTION 3.**

105 All laws and parts of laws in conflict with this Act are repealed.