

House Bill 198 (COMMITTEE SUBSTITUTE)

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

37 33-23-202.

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

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

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

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

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

54 (4) An applicant shall be not less than 18 years of age and of good moral character and
55 must submit in a form approved by the Commissioner such information, including

56 without limitation criminal history and regulatory background information, as the
57 Commissioner may require; and
58 (5) An applicant for a renewal license shall have completed continuing education classes
59 approved by the Commissioner.

60 33-23-203.

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

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

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

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

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

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

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

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

95 33-23-204.

96 The Commissioner shall be authorized to adopt rules and regulations to effect the
97 implementation of this article.

98 33-23-205.

99 The provisions of this article shall not apply to patient navigators as defined in
100 paragraph (4) of Code Section 33-23-201."

101 **SECTION 2.**

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

111 **SECTION 3.**

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