

House Bill 198 (AS PASSED HOUSE AND SENATE)

By: Representatives Smith of the 134<sup>th</sup>, Meadows of the 5<sup>th</sup>, Maxwell of the 17<sup>th</sup>, Shaw of the 176<sup>th</sup>, Abrams of the 89<sup>th</sup>, 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, the exchange provisions of the federal act, the medical  
 50 assistance program provided for by Article 7 of Chapter 4 of Title 49, and the PeachCare  
 51 for Kids Program provided for by Article 13 of Chapter 5 of Title 49 satisfactory to the  
 52 Commissioner through a training program approved by the Commissioner;

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

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

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

62 33-23-203.

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

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

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

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

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

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

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

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

97 33-23-204.

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

100 33-23-205.

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

103 **SECTION 2.**

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

113 **SECTION 3.**

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