

Sub. S. B. No. 81
As Passed by the Senate

_____ moved to amend as follows:

In line 1 of the title, after "sections" insert "3905.471,"; after 1
"4723.431" insert "," 2

In line 7 of the title, after "patients;" insert "to modify the law 3
governing insurance navigators;" 4

In line 12, after "sections" insert "3905.471,"; after "4723.431" 5
insert "," 6

After line 14, insert: 7

"Sec. 3905.471. (A) No individual or entity shall act as 8
or hold itself out to be an insurance navigator unless that 9
individual or entity is certified as an insurance navigator 10
under this section and is receiving funding under division (i) 11
of section 1311 of the Affordable Care Act. 12

(B) An insurance navigator who complies with the 13
requirements of this section may do any of the following: 14

(1) Conduct public education activities to raise awareness 15
of the availability of qualified health plans; 16



(2) Distribute fair and impartial general information	17
concerning enrollment in all qualified health plans offered	18
within the exchange and the availability of the premium tax	19
credits under section 36B of the Internal Revenue Code of 1986,	20
26 U.S.C. 36B, and cost-sharing reductions under section 1402 of	21
the Affordable Care Act;	22
(3) Facilitate enrollment in qualified health plans,	23
without suggesting that an individual select a particular plan;	24
(4) Provide referrals to appropriate state agencies for	25
any enrollee with a grievance, complaint, or question regarding	26
their health plan, coverage, or a determination under such plan	27
coverage;	28
(5) Provide information in a manner that is culturally and	29
linguistically appropriate to the needs of the population being	30
served by the exchange.	31
(C) An insurance navigator shall not do any of the	32
following:	33
(1) Sell, solicit, or negotiate health insurance;	34
(2) Provide advice concerning the substantive benefits,	35
terms, and conditions of a particular health benefit plan or	36
offer advice about which health benefit plan is better or worse	37
or suitable for a particular individual or entity;	38
(3) Recommend a particular health plan or advise consumers	39
about which health benefit plan to choose;	40
(4) Provide any information or services related to health	41
benefit plans or other products not offered in the exchange.	42
Division (C) (4) of this section shall not be interpreted as	43
prohibiting an insurance navigator from providing information on	44

eligibility for medicaid;	45
(5) Engage in any unfair method of competition or any fraudulent, deceptive, or dishonest act or practice.	46 47
(D) An individual shall not act in the capacity of an insurance navigator, or perform insurance navigator duties on behalf of an organization serving as an insurance navigator, unless the individual has applied for certification and the superintendent finds that the applicant meets all of the following requirements:	48 49 50 51 52 53
(1) Is at least eighteen years of age;	54
(2) Has completed and submitted the application and disclosure form required under division (F) (2) of this section and has declared, under penalty of refusal, suspension, or revocation of the insurance navigator's certification, that the statements made in the form are true, correct, and complete to the best of the applicant's knowledge and belief;	55 56 57 58 59 60
(3) Has successfully completed a criminal records check under section 3905.051 of the Revised Code, as required by the superintendent;	61 62 63
(4) Has successfully completed the certification and training requirements adopted by the superintendent in accordance with division (F) of this section;	64 65 66
(5) Has paid all fees required by the superintendent.	67
(E) (1) A business entity that acts as an insurance navigator, supervises the activities of individual insurance navigators, or receives funding to provide insurance navigator services shall obtain an insurance navigator business entity certification.	68 69 70 71 72

(2) Any entity applying for a business entity certification shall:	73 74
(a) Apply in a form specified, and provide any information required by, the superintendent; and	75 76
(b) Pay an initial licensure fee of two hundred dollars or renewal fee of one hundred dollars.	77 78
(3) A business entity certified as an insurance navigator shall, in a manner prescribed by the superintendent, make available a list of all individual insurance navigators that the business entity employs, supervises, or with which the business entity is affiliated.	79 80 81 82 83
(F) The superintendent of insurance shall, prior to any exchange becoming operational in this state, do all of the following:	84 85 86
(1) (a) Adopt rules to establish a certification and training program for a prospective insurance navigator and the insurance navigator's employees that includes screening via a criminal records check performed in accordance with section 3905.051 of the Revised Code, initial and continuing education requirements, and an examination;	87 88 89 90 91 92
(b) The certification and training program shall include training on compliance with the "Health Insurance Portability and Accountability Act of 1996," 110 Stat. 1955, 42 U.S.C. 1320d, et seq., as amended, training on ethics, and training on provisions of the Affordable Care Act relating to insurance navigators and exchanges.	93 94 95 96 97 98
(2) Develop an application and disclosure form by which an insurance navigator may disclose any potential conflicts of	99 100

interest, as well as any other information the superintendent
considers pertinent.

(G) (1) The superintendent may suspend, revoke, or refuse
to issue or renew the insurance navigator certification of any
person, or levy a civil penalty against any person, that
violates the requirements of this section or commits any act
that would be a ground for denial, suspension, or revocation of
an insurance agent license, as prescribed in section 3905.14 of
the Revised Code.

(2) The superintendent shall have the power to examine and
investigate the business affairs and records of any insurance
navigator.

(3) (a) The superintendent shall not certify as an
insurance navigator, and shall revoke any existing insurance
navigator certification of, any individual, organization, or
business entity that is receiving financial compensation,
including monetary and in-kind compensation, gifts, or grants,
on or after October 1, 2013, in connection with the enrollment
of any employees or other individuals in a qualified health
benefit plan, from an insurer offering a qualified health
benefit plan through an exchange operating in this state.

(b) Notwithstanding division (G) (3) (a) of this section,
the superintendent may certify as a navigator a qualified health
center and a federally qualified health center look-alike, as
defined in section 3701.047 of the Revised Code.

(4) (a) If the superintendent finds that a violation of
this section made by an individual insurance navigator was made
with the knowledge of the employing or supervising entity, or
that the employing or supervising entity should reasonably have

been aware of the individual insurance navigator's violation, 130
and the violation was not reported to the superintendent and no 131
corrective action was undertaken on a timely basis, then the 132
superintendent may suspend, revoke, or refuse to renew the 133
insurance navigator certification of the supervising or 134
employing entity. 135

(b) In addition to, or in lieu of, any disciplinary action 136
taken under division (G) (4) (a) of this section, the 137
superintendent may levy a civil penalty against such an entity. 138

(H) A business entity that terminates the employment, 139
engagement, affiliation, or other relationship with an 140
individual insurance navigator shall notify the superintendent 141
within thirty days following the effective date of the 142
termination, using a format prescribed by the superintendent, if 143
the reason for termination is one of the reasons set forth in 144
section 3905.14 of the Revised Code, or the entity has knowledge 145
that the insurance navigator was found by a court or government 146
body to have engaged in any of the activities in section 3905.14 147
of the Revised Code. 148

(I) Insurance navigators are subject to the laws of this 149
chapter, and any rules adopted pursuant to the chapter, in so 150
far as such laws are applicable. 151

(J) The superintendent may deny, suspend, approve, renew, 152
or revoke the certification of an insurance navigator if the 153
superintendent determines that doing so would be in the interest 154
of Ohio insureds or the general public. Such an action is not 155
subject to Chapter 119. of the Revised Code. 156

(K) The superintendent may adopt rules in accordance with 157
Chapter 119. of the Revised Code to implement sections 3905.47 158

to 3905.473 of the Revised Code.	159
(L) The superintendent may, by rule, apply the	160
requirements of this chapter to any entity or person designated	161
by an exchange, the state, or the federal government to assist	162
consumers or participate in exchange activities.	163
(M) Any fees collected under this section shall be paid	164
into the state treasury to the credit of the department of	165
insurance operating fund created under section 3901.021 of the	166
Revised Code."	167
In line 226, after "sections" insert "3905.471,"; after "4723.431"	168
insert ",,"	169

The motion was _____ agreed to.

<u>SYNOPSIS</u>	170
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Insurance navigators	171
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R.C. 3905.471	172
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Aligns the Ohio prohibition against insurance navigators	173
receiving financial compensation from a health insurer that	174
offers insurance through an exchange operating in Ohio with	175
federal law by limiting the application to compensation received	176
in connection with the enrollment of employees or other	177
individuals in a qualified health benefit plan.	178

(Current Ohio law prohibits all such compensation,	179
regardless of whether it is in connection with enrollment.	180
Federal law allows insurance navigators to receive compensation	181

from insurers so long as it is not in connection with
enrollment.)

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