

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 877
Committee Substitute Favorable 5/1/13

Short Title: Navigator Training and Certification.

(Public)

Sponsors:

Referred to:

April 15, 2013

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

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Chapter 58 of the General Statutes is amended by adding a new
6 Article to read:

7 "Article 33B.

8 "Navigator Training and Certification.

9 **"§ 58-33B-10. Definitions.**

10 The following definitions apply in this Part:

- 11 (1) Affordable Care Act. – The federal Patient Protection and Affordable Care
12 Act, P.L. 111-148, as amended, and any regulations or guidance issued
13 thereunder.
14 (2) Exchange. – Any health benefit exchange established or operating in this
15 State, as provided in Section 1311 of the Affordable Care Act, including any
16 exchange established or operated by the United States Department of Health
17 and Human Services.
18 (3) Navigator. – Any person who is described or designated by an exchange, the
19 State, or the United States Department of Health and Human Services, or
20 could be reasonably described or designated, as a navigator as provided in
21 Section 1311(i) of the Affordable Care Act, as an in-person assister, an
22 enrollment assister, an application assister, or an application counselor.

23 **"§ 58-33B-20. Certification required.**

24 No individual or entity shall act, offer to act, or advertise any service as a navigator in this
25 State unless certified as a navigator by the Commissioner under this Article.

26 **"§ 58-33B-30. Application for certificate.**

27 (a) An individual may apply for and be granted a navigator certificate by the
28 Commissioner by submitting an application on a form prescribed by the Commissioner that
29 documents that the individual has satisfied each of the following requirements:

- 30 (1) The individual has completed the pre-certification training and course of
31 study prescribed by the Commissioner.
32 (2) The individual has signed and agreed to follow the ethics and code of
33 conduct requirements prescribed by the Commissioner.
34 (3) The individual has registered with the Commissioner on a form prescribed
35 by the Commissioner.



1 (b) An entity that acts as a navigator or supervises the activities of individual
2 navigators, or receives funding to perform such navigator activities, shall first obtain a
3 navigator entity certificate from the Commissioner. An entity applying for an entity navigator
4 certificate shall register with the Commissioner on a form prescribed by the Commissioner.

5 (c) An entity certified as a navigator shall provide the Commissioner with a list of all
6 individual navigators that it employs, supervises, or with whom it is affiliated, in a manner
7 prescribed by the Commissioner on an annual basis and at other times upon request of the
8 Commissioner.

9 **"§ 58-33B-40. Certificate term, renewal.**

10 (a) A navigator certificate shall be valid for two years.

11 (b) A navigator may renew his or her navigator certificate by taking both of the
12 following actions:

13 (1) Satisfactorily completing ongoing training and continuing education
14 requirements prescribed by the Commissioner, including up to 20 hours of
15 continuing education per training period.

16 (2) Notifying the Commissioner of his or her intent to renew the navigator
17 certification and that the requirements of subdivision (1) of this subsection
18 have been met.

19 **"§ 58-33B-50. Reporting to the Commissioner of Insurance.**

20 (a) Each certified navigator shall report at least the following information to the
21 certified navigator entity with which the certified navigator is affiliated on a quarterly basis:

22 (1) The number of counseling sessions conducted.

23 (2) The nature and result of each counseling session.

24 (3) Geographic and demographic information about the counseled persons.

25 (4) Other data as deemed relevant to the assessment of navigator activities in
26 this State.

27 (b) Each certified navigator entity shall report the information provided pursuant to
28 subsection (a) of this section to the Commissioner in a manner prescribed by the Commissioner
29 on a quarterly basis.

30 (c) Each certified navigator entity shall notify the Commissioner within 30 days of
31 termination of employment, supervision, or affiliation with an individual navigator listed under
32 G.S. 58-33B-30(c).

33 **"§ 58-33B-60. Prohibited acts.**

34 (a) Violation of any provision of this Article or of the Affordable Care Act, including
35 any act or omission that would be a ground for denial, suspension, or revocation of the
36 licensing of any insurance producer, shall be a ground for denial, suspension, or revocation of a
37 certification under this Article.

38 (b) No navigator shall solicit any person or business that is currently under an existing
39 health benefit plan.

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

47 (d) Certification as a navigator pursuant to the provisions of this Article shall not
48 constitute licensing as any type of insurance producer. Navigators certified pursuant to the
49 provisions of this Article shall not, except as specifically authorized by the provisions of the
50 Affordable Care Act, do any of the following:

- 1 (1) Engage in any activities that would require licensing as an insurance
2 producer in this State, unless so licensed.
- 3 (2) Provide advice concerning the benefits, terms, and features of a particular
4 health benefit plan or offer advice about which health benefit plan is better
5 or worse for a particular individual or business, except in the capacity of a
6 licensed insurance producer.
- 7 (3) Recommend a particular health benefit plan or advise individuals or
8 businesses about which health benefit plan to choose, except in the capacity
9 of a licensed insurance producer.

10 **"§ 58-33B-70. Rule-making authority.**

11 The Commissioner shall adopt rules for the implementation of this Article."

12 **SECTION 2.** There is appropriated from the General Fund to the Department of
13 Insurance (Department) the sum of five hundred eighty thousand one hundred eighty-seven
14 dollars (\$580,187) for the 2013-2014 fiscal year and three hundred fifty-one thousand nine
15 hundred seventy-four dollars (\$351,974) for the 2014-2015 fiscal year, recurring, for
16 implementation of this act. The Department is authorized to create two full-time equivalent
17 positions for the implementation of this act.

18 The Department shall use its best efforts to seek federal funding for the implementation of
19 this act. If the Department is successful in its efforts to obtain federal funding as provided in
20 this section, then those federal funds shall be appropriated to the Department. An amount equal
21 to the amount received in federal funds shall be transferred from the Department to the Office
22 of State Budget and Management.

23 The Department shall report to the Joint Legislative Commission on Governmental
24 Operations on the results of the Department's efforts to obtain federal funds. The report shall be
25 made on or before March 1, 2014.

26 **SECTION 3.** Section 1 of this act becomes effective January 1, 2014. Section 2 of
27 this act becomes effective July 1, 2013. The remainder of this act is effective when it becomes
28 law.