



Sen. William R. Haine

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LRB098 03986 RPM 44929 a

1 AMENDMENT TO SENATE BILL 1194

2 AMENDMENT NO. _____. Amend Senate Bill 1194 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Navigator Certification Act.

6 Section 5. Definitions. As used in this Act:

7 "Certified application counselor" has the same meaning as
8 in federal regulations and guidelines.

9 "Director" means the Director of Insurance.

10 "Exchange" means any health benefit exchange established
11 or operating in this State, including any exchange established
12 or operated by the United States Department of Health and Human
13 Services.

14 "Navigator" means a person or entity selected to perform
15 the activities and duties identified in 42 U.S.C. 18031(i) in
16 this State. "Navigator" includes any person or entity who

1 receives grant funds from the United States Department of
2 Health and Human Services, the State of Illinois, or an
3 exchange or private funds to perform any of the activities and
4 duties identified in 42 U.S.C. 18031(i), including, but not
5 limited to, in-person assisters as defined by federal
6 regulations or guidelines.

7 Section 10. Certificate required.

8 (a) No individual or entity shall perform, offer to
9 perform, or advertise any service as a navigator in this State
10 or receive navigator grant funding from the United States
11 Department of Health and Human Services, the State of Illinois,
12 or an exchange or private funds unless certified as a navigator
13 by the Director under this Act.

14 (b) A navigator who complies with the requirements of this
15 Act shall do the following:

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

18 (2) distribute fair and impartial information
19 concerning enrollment in qualified health plans offered
20 within the exchange and the availability of the premium tax
21 credits under Section 36B of the Internal Revenue Code of
22 1986, 26 U.S.C. 36B, and cost-sharing reductions under
23 Section 1402 of the federal Patient Protection and
24 Affordable Care Act;

25 (3) facilitate enrollment in qualified health plans;

1 (4) provide referrals to appropriate federal and State
2 agencies for any enrollee with a grievance, complaint, or
3 question regarding their health plan or coverage or a
4 determination under such plan or coverage;

5 (5) provide information in a manner that is culturally
6 and linguistically appropriate to the needs of the
7 population being served by the exchange.

8 (c) A navigator may not:

9 (1) sell, solicit, or negotiate any of the classes of
10 insurance enumerated in Section 4 of the Illinois Insurance
11 Code;

12 (2) offer advice about which health plan is better or
13 worse for a particular individual or employer;

14 (3) recommend or endorse a particular health plan or
15 advise consumers about which health plan to choose;

16 (4) provide any information or services related to
17 health benefit plans or other insurance products not
18 offered in the exchange; or

19 (5) accept any compensation or consideration directly
20 or indirectly from any issuer of accident and health
21 insurance or stop-loss insurance that is dependent, in
22 whole or in part, on whether a person enrolls in or
23 purchases a particular private health benefit plan.

24 (d) Items (1), (2), (3), (4), and (5) of subsection (c) of
25 this Section do not apply to navigators when assisting
26 individuals with the enrollment process in the State Medicaid

1 program or other public programs.

2 Section 15. Application for certificate.

3 (a) An entity or individual applying for a navigator
4 certificate shall make application to the Director on a form
5 developed by the Director and declare under penalty of refusal,
6 suspension, or revocation of the certificate that the
7 statements made in the application are true, correct, and
8 complete to the best of the individual's or entity's knowledge
9 and belief. Before approving the application, the Director
10 shall find that the individual:

11 (1) is at least 18 years of age;

12 (2) resides in this State or maintains his or her
13 principal place of business in this State;

14 (3) is not disqualified due to having committed any act
15 that would be grounds for denial, suspension, or revocation
16 of a navigator certification in accordance with Section 30
17 of this Act;

18 (4) has successfully completed the federal and State
19 training provided by the Exchange or equivalent State
20 requirements as determined by the Department; and

21 (5) when applicable, has the written consent of the
22 Director pursuant to 18 U.S.C. 1033, or any successor
23 statute regulating crimes by or affecting persons engaged
24 in the business of insurance whose activities affect
25 interstate commerce.

1 (b) An entity that acts as a navigator, supervises the
2 activities of individual navigators, or receives funding to
3 perform such activities shall obtain a navigator entity
4 certificate. An entity applying for a navigator entity
5 certificate shall make application on a form containing the
6 information prescribed by the Director and shall list the
7 individuals acting as navigators under the entity certificate.

8 (1) The entity shall designate a certified navigator
9 responsible for the navigator entity's compliance with the
10 laws of this State and the Exchange.

11 (2) The entity, under penalty of revocation,
12 suspension, or other discipline prescribed by the
13 Director, shall certify that each individual completes the
14 mandatory training required by item (4) of subsection (a)
15 of Section 15 of this Act.

16 (c) The Director may require any documents deemed necessary
17 to verify the information contained in an application submitted
18 in accordance with subsections (a) and (b) of this Section.

19 (d) Entities certified as navigators shall provide the
20 Director with a list of all individual navigators that it
21 employs, supervises, or is affiliated with at renewal.

22 (e) The Director may require, in a manner determined by the
23 Director, that each entity that acts as a navigator demonstrate
24 a level of financial responsibility capable of protecting all
25 persons against the wrongful acts, misrepresentations, or
26 negligence of the navigator.

1 (f) Prior to any exchange becoming operational in this
2 State, the Director, in coordination with the exchange, shall
3 prescribe the initial training and continuing education
4 requirements for navigators.

5 (g) Certificate holders must inform the Director, in
6 writing, of a change of address within 30 days after the
7 change.

8 (h) In order to assist in the performance of the Director's
9 duties, the Director may contract with the National Association
10 of Insurance Commissioners (NAIC), or any affiliates or
11 subsidiaries that the NAIC oversees, to perform any ministerial
12 functions, including the collection of fees, related to
13 certification that the Director and the nongovernmental entity
14 may deem appropriate.

15 Section 20. Certificate renewal.

16 (a) An individual navigator and entity certificate shall be
17 valid for one year.

18 (b) A navigator may file an application for renewal of a
19 certificate in a method prescribed by the Director. Any
20 navigator who fails to timely file for certificate renewal
21 shall be charged a late fee in an amount prescribed by the
22 Director.

23 (c) Prior to the filing date for application for renewal of
24 a certificate, an individual navigator shall comply with
25 ongoing training and continuing education requirements

1 established by the Director. The navigator shall file with the
2 Director, by a method prescribed by the Director, satisfactory
3 certification of completion of the continuing education
4 requirements. Any failure to fulfill the ongoing training and
5 continuing education requirements shall result in the
6 expiration of the certificate.

7 Section 25. Navigator referrals. On contact with a person
8 who acknowledges having existing health insurance coverage
9 obtained through an insurance producer, a navigator shall refer
10 the person back to that insurance producer for information,
11 assistance, and any other services unless:

12 (1) the individual is eligible for but has not obtained
13 a federal premium subsidy and cost-sharing assistance
14 available only through an exchange;

15 (2) the insurance producer is not authorized to sell
16 health plans in an individual exchange; or

17 (3) the individual would prefer not to seek further
18 assistance from the individual's insurance producer.

19 Section 30. Certificate denial, nonrenewal, or revocation.

20 (a) The Director may place on probation, suspend, revoke,
21 or refuse to issue or renew a navigator's certificate or may
22 levy civil penalty as established by rule.

23 (b) If an action by the Director is to nonrenew, suspend,
24 or revoke a certificate or to deny an application for a

1 certificate, then the Director shall notify the applicant or
2 certificate holder and advise, in writing, the applicant or
3 certificate holder of the reason for the suspension,
4 revocation, or denial or nonrenewal of the applicant's or
5 certificate holder's certificate. The applicant or certificate
6 holder may make written demand upon the Director within 30 days
7 after the date of mailing for a hearing before the Director to
8 determine the reasonableness of the Director's action. The
9 hearing must be held within not fewer than 20 days nor more
10 than 30 days after the mailing of the notice of hearing and
11 shall be held pursuant to Part 2402 of Title 50 of the Illinois
12 Administrative Code.

13 (c) A navigator entity certificate may be suspended,
14 revoked, or refused or information turned over to the U.S.
15 Department of Health and Human Services and applicable state
16 agencies if the Director finds, after hearing, that a certified
17 individual's violation was known or should have been known by
18 one or more of the partners, officers, or managers acting on
19 behalf of the navigator entity.

20 (d) In addition to or instead of any applicable denial,
21 suspension, or revocation of a certificate, a person may, after
22 hearing, be subject to a civil penalty in accordance with
23 emergency rules issued by the Director.

24 (e) The Director has the authority to enforce the
25 provisions of and impose any penalty or remedy authorized by
26 this Act against any person who is under investigation of or

1 charged with a violation of this Act or rules even if the
2 person's certificate has been surrendered or has lapsed by
3 operation of law.

4 (f) Upon the suspension, denial, or revocation of a
5 certificate, the certificate holder or other person having
6 possession or custody of the certificate shall promptly deliver
7 it to the Director in person or by mail. The Director shall
8 publish all suspensions, denials, or revocations after the
9 suspensions, denials, or revocations become final in a manner
10 designed to notify the public.

11 (g) A person whose certificate is revoked or whose
12 application is denied pursuant to this Section is ineligible to
13 apply for any certificate for 3 years after the revocation or
14 denial. A person whose certificate as a navigator has been
15 revoked, suspended, or denied may not be employed, contracted,
16 or engaged in an Exchange-related capacity during the time the
17 revocation, suspension, or denial is in effect.

18 Section 35. Reporting to the Director.

19 (a) Each navigator shall report to the Director within 30
20 calendar days after the final disposition of a matter that
21 violates the provisions set forth in this Act that results in
22 any administrative action taken against him in another
23 jurisdiction or by another governmental agency in this State.
24 The report shall include a copy of the order, consent to order,
25 or other relevant legal documents.

1 (b) Within 30 days after the initial pretrial hearing date,
2 a navigator shall report to the Director any criminal
3 prosecution of the navigator of a matter that violates the
4 provisions set forth in this Act taken in any jurisdiction. The
5 report shall include a copy of the initial complaint filed, the
6 order resulting from the hearing, and any other relevant legal
7 documents.

8 (c) An entity that acts as a navigator that terminates the
9 employment, engagement, affiliation, or other relationship
10 with an individual navigator shall notify the Director within
11 30 days following the effective date of the termination, using
12 a format prescribed by the Director, if the reason for
13 termination is one of the reasons set forth in this Act or the
14 entity has knowledge the navigator was found by a court or
15 government body to have engaged in any of the activities
16 prohibited by this Act. Upon the written request of the
17 Director, the entity shall provide additional information,
18 documents, records, or other data pertaining to the termination
19 or activity of the individual.

20 Section 40. Certified application counselor.

21 (a) A certified application counselor may not:

22 (1) sell, solicit, or negotiate any of the classes of
23 insurance enumerated in Section 4 of the Illinois Insurance
24 Code;

25 (2) offer advice about which health plan is better or

1 worse for a particular individual or employer;

2 (3) recommend or endorse a particular health plan or
3 advise consumers about which plan to choose;

4 (4) provide any information or services related to
5 health benefit plans or other insurance products not
6 offered in the exchange; or

7 (5) accept any compensation or consideration directly
8 or indirectly from any issuer of accident and health
9 insurance or stop-loss insurance that is dependent, in
10 whole or in part, on whether a person enrolls in or
11 purchases a particular health benefit plan.

12 (b) Items (1), (2), (3), (4) and (5) of subsection (a) of
13 this Section do not apply to certified application counselors
14 when assisting individuals with the enrollment process in the
15 State Medicaid program or other public programs.

16 (c) The Director shall develop education and certification
17 requirements for certified application counselors by rule.

18 Section 45. Other laws; rulemaking authority.

19 (a) The requirements of this Act shall not apply to any
20 individual or entity licensed as an insurance producer in this
21 State.

22 (b) Pursuant to the authority granted by this Act, the
23 Director may adopt rules as may be necessary or appropriate for
24 the administration and enforcement of this Act.

1 Section 97. Severability. The provisions of this Act are
2 severable under Section 1.31 of the Statute on Statutes.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".