

1 AN ACT concerning insurance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

1 Section 10. Certificate required.

2 (a) No individual or entity shall perform, offer to
3 perform, or advertise any service as a navigator in this State
4 or receive navigator grant funding from the United States
5 Department of Health and Human Services, the State of Illinois,
6 or an exchange or private funds unless certified as a navigator
7 by the Director under this Act.

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

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

12 (2) distribute fair and impartial information
13 concerning enrollment in qualified health plans offered
14 within the exchange and the availability of the premium tax
15 credits under Section 36B of the Internal Revenue Code of
16 1986, 26 U.S.C. 36B, and cost-sharing reductions under
17 Section 1402 of the federal Patient Protection and
18 Affordable Care Act;

19 (3) facilitate enrollment in qualified health plans;

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

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

1 (c) A navigator may not:

2 (1) sell, solicit, or negotiate, as these terms are
3 defined in Section 500-10 of the Illinois Insurance Code,
4 any of the classes of insurance enumerated in Section 4 of
5 the Illinois Insurance Code;

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

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

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

13 (5) accept any compensation or consideration, directly
14 or indirectly, from any issuer of accident and health
15 insurance or stop-loss insurance that is dependent, in
16 whole or in part, on whether a person enrolls in or
17 purchases a particular private health benefit plan.

18 (d) Items (1), (2), (3), (4), and (5) of subsection (c) of
19 this Section do not apply to navigators when assisting
20 individuals with the enrollment process in the State Medicaid
21 program or other public programs.

22 Section 15. Application for certificate.

23 (a) An entity or individual applying for a navigator
24 certificate shall make application to the Director on a form
25 developed by the Director and declare under penalty of refusal,

1 suspension, or revocation of the certificate that the
2 statements made in the application are true, correct, and
3 complete to the best of the individual's or entity's knowledge
4 and belief. Before approving the application, the Director
5 shall find that the individual:

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

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

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

13 (4) has successfully completed the federal and State
14 training provided by the exchange or equivalent State
15 requirements as determined by the Department; and

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

21 (b) An entity that acts as a navigator, supervises the
22 activities of individual navigators, or receives funding to
23 perform such activities shall obtain a navigator entity
24 certificate. An entity applying for a navigator entity
25 certificate shall make application on a form containing the
26 information prescribed by the Director and shall list the

1 individuals acting as navigators under the entity certificate.

2 (1) The entity shall designate a certified navigator
3 responsible for the navigator entity's compliance with the
4 laws of this State and the exchange.

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

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

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

16 (e) The Director may require, in a manner determined by the
17 Director, that each entity that acts as a navigator demonstrate
18 a level of financial responsibility capable of protecting all
19 persons against the wrongful acts, misrepresentations, or
20 negligence of the navigator.

21 (f) Prior to any exchange becoming operational in this
22 State, the Director, in coordination with the exchange, shall
23 prescribe the initial training and continuing education
24 requirements for navigators.

25 (g) Certificate holders must inform the Director, in
26 writing, of a change of address within 30 days after the

1 change.

2 (h) In order to assist in the performance of the Director's
3 duties, the Director may contract with the National Association
4 of Insurance Commissioners (NAIC), or any affiliates or
5 subsidiaries that the NAIC oversees, to perform any ministerial
6 functions, including the collection of fees, related to
7 certification that the Director and the nongovernmental entity
8 may deem appropriate.

9 Section 20. Certificate renewal.

10 (a) An individual navigator entity certificate shall be
11 valid for one year.

12 (b) A navigator may file an application for renewal of a
13 certificate in a method prescribed by the Director. Any
14 navigator who fails to timely file for certificate renewal
15 shall be charged a late fee in an amount prescribed by the
16 Director.

17 (c) Prior to the filing date for application for renewal of
18 a certificate, an individual navigator shall comply with
19 ongoing training and continuing education requirements
20 established by the Director. The navigator shall file with the
21 Director, by a method prescribed by the Director, satisfactory
22 certification of completion of the continuing education
23 requirements. Any failure to fulfill the ongoing training and
24 continuing education requirements shall result in the
25 expiration of the certificate.

1 Section 25. Navigator referrals. On contact with a person
2 who acknowledges having existing health insurance coverage
3 obtained through an insurance producer, a navigator shall refer
4 the person back to that insurance producer for information,
5 assistance, and any other services unless:

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

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

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

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

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

17 (b) If an action by the Director is to nonrenew, suspend,
18 or revoke a certificate or to deny an application for a
19 certificate, then the Director shall notify the applicant or
20 certificate holder and advise, in writing, the applicant or
21 certificate holder of the reason for the suspension,
22 revocation, or denial or nonrenewal of the applicant's or
23 certificate holder's certificate. The applicant or certificate
24 holder may make written demand upon the Director within 30 days

1 after the date of mailing for a hearing before the Director to
2 determine the reasonableness of the Director's action. The
3 hearing must be held within not fewer than 20 days nor more
4 than 30 days after the mailing of the notice of hearing and
5 shall be held pursuant to Part 2402 of Title 50 of the Illinois
6 Administrative Code.

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

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

18 (e) The Director has the authority to enforce the
19 provisions of and impose any penalty or remedy authorized by
20 this Act against any person who is under investigation of or
21 charged with a violation of this Act or rules, even if the
22 person's certificate has been surrendered or has lapsed by
23 operation of law.

24 (f) Upon the suspension, denial, or revocation of a
25 certificate, the certificate holder or other person having
26 possession or custody of the certificate shall promptly deliver

1 it to the Director in person or by mail. The Director shall
2 publish all suspensions, denials, or revocations after the
3 suspensions, denials, or revocations become final in a manner
4 designed to notify the public.

5 (g) A person whose certificate is revoked or whose
6 application is denied pursuant to this Section is ineligible to
7 apply for any certificate for 3 years after the revocation or
8 denial. A person whose certificate as a navigator has been
9 revoked, suspended, or denied may not be employed, contracted,
10 or engaged in an exchange-related capacity during the time the
11 revocation, suspension, or denial is in effect.

12 Section 35. Reporting to the Director.

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

20 (b) Within 30 days after the initial pretrial hearing date,
21 a navigator shall report to the Director any criminal
22 prosecution of the navigator of a matter that violates the
23 provisions set forth in this Act taken in any jurisdiction. The
24 report shall include a copy of the initial complaint filed, the
25 order resulting from the hearing, and any other relevant legal

1 documents.

2 (c) An entity that acts as a navigator that terminates the
3 employment, engagement, affiliation, or other relationship
4 with an individual navigator shall notify the Director within
5 30 days following the effective date of the termination, using
6 a format prescribed by the Director, if the reason for
7 termination is one of the reasons set forth in this Act or the
8 entity has knowledge the navigator was found by a court or
9 government body to have engaged in any of the activities
10 prohibited by this Act. Upon the written request of the
11 Director, the entity shall provide additional information,
12 documents, records, or other data pertaining to the termination
13 or activity of the individual.

14 Section 40. Certified application counselor.

15 (a) A certified application counselor may not:

16 (1) sell, solicit, or negotiate, as these terms are
17 defined in Section 500-10 of the Illinois Insurance Code,
18 any of the classes of insurance enumerated in Section 4 of
19 the Illinois Insurance Code;

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

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

24 (4) provide any information or services related to
25 health benefit plans or other insurance products not

1 offered in the exchange; or

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

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

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

13 Section 45. Other laws; rulemaking authority.

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

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

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

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.