

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, except for health care providers
13 when furnishing information or services related to a
14 patient's existing health benefit plan or other existing
15 health insurance coverage; or

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

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

25 Section 15. Application for certificate.

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

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

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

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

16 (4) has successfully completed the federal and State
17 training provided by the exchange or equivalent State
18 requirements as determined by the Department; and

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

24 (b) An entity that acts as a navigator, supervises the
25 activities of individual navigators, or receives funding to
26 perform such activities shall obtain a navigator entity

1 certificate. An entity applying for a navigator entity
2 certificate shall make application on a form containing the
3 information prescribed by the Director and shall list the
4 individuals acting as navigators under the entity certificate.

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

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

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

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

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

24 (f) Prior to any exchange becoming operational in this
25 State, the Director, in coordination with the exchange, shall
26 prescribe the initial training and continuing education

1 requirements for navigators.

2 (g) Certificate holders must inform the Director, in
3 writing, of a change of address within 30 days after the
4 change.

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

12 Section 20. Certificate renewal.

13 (a) An individual navigator entity certificate shall be
14 valid for one year.

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

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

1 requirements. Any failure to fulfill the ongoing training and
2 continuing education requirements shall result in the
3 expiration of the certificate.

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

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

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

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

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

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

20 (b) If an action by the Director is to nonrenew, suspend,
21 or revoke a certificate or to deny an application for a
22 certificate, then the Director shall notify the applicant or
23 certificate holder and advise, in writing, the applicant or
24 certificate holder of the reason for the suspension,

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

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

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

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

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

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

15 Section 35. Reporting to the Director.

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

23 (b) Within 30 days after the initial pretrial hearing date,
24 a navigator shall report to the Director any criminal
25 prosecution of the navigator of a matter that violates the

1 provisions set forth in this Act taken in any jurisdiction. The
2 report shall include a copy of the initial complaint filed, the
3 order resulting from the hearing, and any other relevant legal
4 documents.

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

17 Section 40. Certified application counselor.

18 (a) A certified application counselor may not:

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

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

25 (3) recommend or endorse a particular health plan or

1 advise consumers about which plan to choose;

2 (4) provide any information or services related to
3 health benefit plans or other insurance products not
4 offered in the exchange, except for health care providers
5 when furnishing information or services related to a
6 patient's existing health benefit plan or other existing
7 health insurance coverage; or

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

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

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

19 Section 45. Other laws; rulemaking authority.

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

23 (b) Pursuant to the authority granted by this Act, the
24 Director may adopt rules as may be necessary or appropriate for
25 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.