



1           2. "Federal act" means the federal Patient Protection and  
2 Affordable Care Act (Public Law 111-148), as amended by the federal  
3 Health Care and Education Reconciliation Act of 2010 (Public Law  
4 111-152), and regulations or guidance issued under those acts;

5           3. "Navigator" means a person, including assistor, application  
6 counselor or other person, certified or designated by an exchange to  
7 facilitate enrollment in health benefit plans offered by an exchange  
8 or to perform any of the other acts described in Section 1311(i) of  
9 the federal act. Such term does not include a person licensed as a  
10 health insurance producer under the Oklahoma Producer Licensing Act.  
11 For the purposes of this act, if an organization or business entity  
12 serves as a navigator, an individual performing navigator duties for  
13 that organization or business entity shall be considered to be  
14 acting in the capacity of a navigator;

15           4. "Navigator entity" means an organization or business entity  
16 which employs or oversees the activities of a navigator or which has  
17 received and possesses funding for the purpose of employing or  
18 overseeing navigators; ~~and~~

19           5. "Personally identifiable information" means information  
20 which can identify an individual including, but not limited to,  
21 name, birth date, social security number, official state- or  
22 government-issued driver license or identification number, alien  
23 registration number, government passport number, employer or  
24 taxpayer identification number; and

1       6. "Registered navigator" means a navigator who has applied,  
2 been approved, and maintains approval under the requirements of this  
3 act.

4       SECTION 2.       AMENDATORY       Section 2, Chapter 321, O.S.L.  
5 2014 (36 O.S. Supp. 2014, Section 1415.3), is amended to read as  
6 follows:

7       Section 1415.3. A. No navigator shall provide assistance with  
8 regard to health benefit plans as a navigator in this state under  
9 the provisions of the federal act unless registered in accordance  
10 with this act. The Insurance Commissioner must maintain a registry  
11 of navigators.

12       B. An individual applying for a navigator registration shall  
13 make application on a form developed by the Commissioner and shall  
14 declare under penalty of refusal, suspension, or revocation of the  
15 registration that the statements made in the application are true,  
16 correct, and complete to the best of the applicant's knowledge. The  
17 Commissioner may not allow any applicant to register who does not  
18 meet or conform to the following qualifications or requirements:

19       1. The applicant shall establish to the satisfaction of the  
20 Commissioner that he or she has read and will comply with written  
21 materials provided by the Commissioner concerning ethics, consumer  
22 privacy, the insurance laws of this state, and any other topic or  
23 topics the Commissioner deems necessary and attests to such  
24

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 understanding and intent to comply with all state statutes and  
2 rules;

3 2. The applicant shall attest to an understanding of the  
4 disclosure and recordkeeping requirements of the registry and the  
5 ability to provide and maintain such documents;

6 3. An applicant shall be not less than eighteen (18) years of  
7 age and of good moral character;

8 4. The applicant shall successfully complete a criminal history  
9 and regulatory background investigation in the manner that the  
10 Commissioner requires;

11 5. The applicant shall identify the entity with which he or she  
12 is, or will be, affiliated and supervised; and

13 6. The applicant shall pay a registration fee prescribed by the  
14 Commissioner not to exceed Fifty Dollars (\$50.00).

15 C. An entity applying for a navigator entity registration shall  
16 make application on a form developed by the Commissioner and shall  
17 declare under penalty of refusal, suspension or revocation of the  
18 registration that the statements made in the application are true,  
19 correct and complete to the best of the applicant's knowledge. The  
20 Commissioner shall not issue a registration to any entity applicant  
21 that does not meet or conform to the following qualifications or  
22 requirements:

23 1. Establishes policies and procedures to ensure that acts that  
24 may be performed only by a registered navigator or licensed producer

1 are performed by persons who are appropriately registered or  
2 licensed;

3 2. Acknowledges and accepts legal responsibility for the acts  
4 of the individual navigators that it employs, supervises, or is  
5 affiliated with that are performed in this state and that are within  
6 the scope of the navigator's apparent authority; and

7 3. Pays a registration fee prescribed by the Commissioner not  
8 to exceed Fifty Dollars (\$50.00).

9 D. The registration of an individual navigator or navigator  
10 entity shall expire one year after issuance. An individual  
11 applicant for a renewal registration shall provide proof that he or  
12 she has completed continuing education as required under the federal  
13 act and shall establish to the satisfaction of the Commissioner that  
14 he or she has read and will comply with written materials provided  
15 by the Commissioner concerning ethics, consumer privacy, the  
16 insurance laws of this state and any other topic or topics the  
17 Commissioner deems necessary and attests to such understanding and  
18 intent to comply with all state statutes and rules.

19 E. A registered individual navigator must:

20 1. Provide a disclaimer in a form prescribed by the  
21 Commissioner to each individual or group whom the navigator assists,  
22 which shall include the name of the navigator and the navigator  
23 entity;

24

1           2. Record the name and contact information for each individual  
2 or group whom the navigator assists in enrolling on the exchange and  
3 the date of contact and provide such information to the navigator  
4 entity immediately;

5           3. Allow for an on-site inspection of operations and records  
6 specifically related to the fulfillment of the enrollment or  
7 assistance with enrollment duties as required by this act by the  
8 navigator at any time, including providing summary reports as  
9 requested by the Commissioner, which shall not include personally  
10 identifiable information. Provided, however, a registered  
11 individual navigator shall, upon inquiry by the Commissioner, verify  
12 the name, contact information, and date of contact for an individual  
13 or group assisted in enrolling on the exchange by the navigator;

14           4. Report to the Commissioner any administrative action taken  
15 by a governmental agency against the navigator in this state or in  
16 any other jurisdiction within thirty (30) calendar days of the final  
17 disposition of the matter;

18           5. Report to the Commissioner any criminal prosecution of the  
19 navigator taken in any jurisdiction within thirty (30) calendar days  
20 of the initial pretrial hearing date; and

21           6. Notify the Commissioner within ten (10) calendar days of any  
22 action by an exchange or related party that restricts or terminates  
23 the navigator's authorization to act as a navigator.

24           F. A registered navigator entity must:

1 1. Maintain a record of all individuals employed or overseen as  
2 a navigator for a period of three (3) years following the  
3 termination of the employment or oversight of the individual as a  
4 navigator;

5 2. Maintain all records required to be provided to the  
6 navigator entity by registered navigators for a period of three (3)  
7 years following the termination of the employment or oversight of  
8 each individual as a navigator;

9 3. Allow for an on-site inspection of operations and records  
10 specifically related to the fulfillment of the enrollment or  
11 assistance with enrollment duties as required by this act by the  
12 navigator at any time, including providing summary reports as  
13 requested by the Commissioner, which shall not include personally  
14 identifiable information. Provided, however, a registered navigator  
15 entity shall, upon inquiry by the Commissioner, verify the name,  
16 contact information, and date of contact for an individual or group  
17 assisted in enrolling on the exchange by any navigator employed or  
18 overseen by the navigator entity;

19 4. Provide the Commissioner with a list of all individual  
20 navigators that it employs, supervises or is affiliated with, in a  
21 manner prescribed by the Commissioner; and

22 5. Report to the Commissioner any termination of employment,  
23 engagement, affiliation or other relationship with an individual  
24 navigator within thirty (30) days, using a format prescribed by the

1 Commissioner, if the navigator is terminated for failing to comply  
2 with any requirement of this title.

3 G. Any person who acts as a navigator without holding an active  
4 registration at the time of the action shall be guilty of a  
5 misdemeanor and shall be punished by the imposition of a fine of not  
6 more than Two Hundred Fifty Dollars (\$250.00) or imprisonment in the  
7 county jail for not less than three (3) months nor more than six (6)  
8 months, or be punished by both such fine and imprisonment.

9 H. Any navigator who violates the provisions of this act shall  
10 be subject to a civil fine of not less than Fifty Dollars (\$50.00)  
11 nor more than Five Hundred Dollars (\$500.00) for each occurrence.

12 I. Any navigator entity that allows an individual who is  
13 employed or overseen by the navigator entity to interact with  
14 individuals or groups performing any of the functions of a navigator  
15 without an active registration shall be subject to a civil fine of  
16 not more than Five Hundred Dollars (\$500.00) for each individual or  
17 group with whom the unregistered individual interacts as a navigator  
18 and a civil fine of not more than Fifty Dollars (\$50.00) for each  
19 day the unregistered individual performs acts as a navigator.

20 J. Any navigator entity that fails to retain the documentation  
21 required by this act shall be subject to a civil fine of not less  
22 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars  
23 (\$500.00) for each occurrence.

24



1 SECTION 3. This act shall become effective November 1, 2015.

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3 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04/08/2015 -  
4 DO PASS, As Coauthored.  
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