

HB 1328-FN – AS INTRODUCED

2014 SESSION

14-2535
01/10

HOUSE BILL

1328-FN

AN ACT

relative to licensure of insurance exchange navigators.

SPONSORS:

Rep. Sandblade, Hills 18

COMMITTEE:

Commerce and Consumer Affairs

ANALYSIS

This bill requires that insurance exchange navigators be licensed by the insurance department. Under this bill, insurance exchange navigators shall submit to a background check as a condition of licensure.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to licensure of insurance exchange navigators.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Federally-Facilitated Exchange; Authority of Commissioner. Amend the section heading of
2 RSA 420-N:8 to read as follows:

3 420-N:8 Federally-Facilitated Exchange; Authority of the Commissioner; ***Licensure of***
4 ***Navigators.***

5 2 Licensure of Navigators. Amend RSA 420-N:8, III to read as follows:

6 III.(a) The commissioner [~~may~~] ***shall*** establish standards and training requirements for
7 navigators on a federally-facilitated exchange consistent with section 1311(i) of the Act and
8 regulations implemented under the Act, including provisions to ensure that any private or public
9 entity that is selected as a navigator avoids conflicts of interest and is appropriately qualified to
10 engage in navigator activities. ***A person shall not act as a navigator in this state through a***
11 ***health insurance marketplace unless licensed under this chapter.***

12 ***(b) Applicants for a health insurance exchange navigator’s license shall submit***
13 ***directly to the department of safety a notarized criminal history records release form, as***
14 ***provided by the New Hampshire division of state police, which authorizes the release of the***
15 ***person’s criminal records, if any, to the department. The person shall submit with the***
16 ***release form a complete set of fingerprints taken by a qualified law enforcement agency or***
17 ***an authorized employee of the department of safety. The department of safety shall submit***
18 ***the criminal history records release form to the New Hampshire division of state police,***
19 ***which shall conduct a criminal history records check through its records and through the***
20 ***Federal Bureau of Investigation. Upon completion of the background investigation, the***
21 ***division of state police shall release copies of the criminal conviction records to the***
22 ***insurance department. The department shall maintain the confidentiality of all criminal***
23 ***history records information received pursuant to this paragraph.***

24 ***(c) The costs of criminal history record checks shall be borne by the navigator.***

25 ***(d) To qualify for a health insurance exchange navigator’s license, a person***
26 ***shall:***

27 ***(1) Be at least 18 years of age.***

28 ***(2) Satisfy the educational requirements of the Act and regulations***
29 ***implemented under the Act.***

30 ***(3) Provide the following information in addition to other information***
31 ***required under this paragraph:***

1 (A) *Business name, address, social security number or taxpayer*
2 *identification number.*

3 (B) *A description of the applicant's current business operations, and a*
4 *certified copy of the applicant's organizational and governance documents.*

5 (C) *The principal address of the applicant, and other locations of the*
6 *business.*

7 (D) *Financial statements that demonstrate the financial condition of the*
8 *applicant.*

9 (e) *A license shall not be issued if any of the following conditions exist:*

10 (1) *The applicant is under any injunction or administrative order by any*
11 *state or federal authority that denies engaging in any activity regulated by insurance laws*
12 *and regulations.*

13 (2) *The applicant was convicted of a misdemeanor involving fraudulent*
14 *dealings in the insurance industry, the banking and mortgage industries, the securities*
15 *industry, or any other financial services area.*

16 (3) *The applicant was convicted of identity theft.*

17 (4) *The applicant was convicted of a felony.*

18 (5) *The applicant has a beneficial interest in any health insurer.*

19 (f) *An applicant shall pay an annual license fee as determined by the*
20 *commissioner.*

21 (g) *A health insurance exchange navigator shall be subject to the insurance*
22 *laws of the state of New Hampshire, including those concerning privacy, market conduct,*
23 *and unfair trade practices. A navigator shall not engage in improper conduct, commit*
24 *fraud, or violate marketplace and consumer protection requirements of this state.*

25 (h) *The commissioner may deny, suspend or revoke a navigator's license if the*
26 *licensee is found to have violated or failed to comply with this chapter or the insurance*
27 *laws of this state.*

28 3 Effective Date. This act shall take effect July 1, 2014.

LBAO
14-2535
11/05/13

HB 1328-FN - FISCAL NOTE

AN ACT relative to licensure of insurance exchange navigators.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, **as introduced**, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2014 through 2018.