

Introduced by

Senators Larsen, Dever

Representative Kasper

1 A BILL for an Act to create and enact a new section to chapter 26.1-26 of the North Dakota
2 Century Code, relating to regulation of health benefit exchange assisters; and to provide a
3 penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 26.1-26 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Health benefit exchange - Certification of assisters - Penalty.**

8 1. As used in this section:

9 a. "Assister" means a person that for compensation, or for a business entity that
10 receives compensation for this service, provides information or services in
11 connection with eligibility, enrollment, or program specifications of any health
12 benefit exchange operating in this state. The term includes a person that is
13 selected to perform the activities and duties of a navigator as identified in
14 42 U.S.C. 18031(i) in this state, any person that received funds from the United
15 States department of health and human services to perform any of the activities
16 and duties of a navigator as identified in 42 U.S.C. 18031(i), or any other person
17 certified by the United States department of health and human services or a
18 health benefit exchange operating in this state to perform such defined or related
19 duties, regardless of whether such person is identified as a navigator, certified
20 application counselor, in-person assister, or other title. The term does not include
21 a not-for-profit entity disseminating to a general audience public health
22 information.

- 1 b. "Exchange" means a health benefit exchange established or operated in this
2 state, including a health benefit exchange established or operated by the United
3 States department of health and human services.
- 4 2. A person may not perform, offer to perform, or advertise any service as an assister in
5 this state, nor may a person receive assister funding from the state or an exchange
6 unless that person is certified as an assister by the insurance department under this
7 section.
- 8 3. The following are exempt from the requirements of this section:
- 9 a. A person already licensed under other provisions of this chapter;
10 b. An attorney licensed to practice in this state; and
11 c. A health care provider performing activities or functions related to advising,
12 assisting, or counseling patients regarding private or public coverage of financial
13 matters related to medical treatments or government assistance programs, if the
14 health care provider does not receive any funds from the United States
15 department of health and human services or from a health exchange operating in
16 this state as compensation to act as a navigator.
- 17 4. An applicant for certification under this section shall make application to the insurance
18 department on a form developed by the department and shall pay any fees associated
19 with the application.
- 20 5. Upon receipt of a completed application for certification as an assister under this
21 section, the insurance department shall issue the applicant a certificate if the
22 applicant:
- 23 a. Is an individual who:
- 24 (1) Is at least eighteen years of age;
25 (2) Resides in this state or performs assister services for a business entity that
26 is located in this state;
27 (3) Meets additional requirements that may be established by the insurance
28 department;
29 (4) Has identified any business entity with which the applicant is affiliated and
30 may be supervised in the performance of assister services; and
31 (5) Is a licensed insurance producer under chapter 26.1-26; or

- 1 b. Is a business entity that acts as an assister, supervises the activities of an
2 individual who is an assister, or receives funding to perform such activities which
3 meets requirements that may be established by the insurance department.
- 4 6. A business entity certified under this section may not employ or otherwise use the
5 services of an assister unless the individual is certified under this section. A business
6 entity certified under this section shall provide the insurance department a list of all
7 individual assisters who are employed or otherwise affiliated with the entity and within
8 twenty days of such change shall report to the insurance department any changes in
9 employment or affiliation.
- 10 7. A certificate issued under this section is valid for two years. A certified assister may file
11 an application for renewal of a certificate and must pay the renewal fee set by the
12 insurance department. If an assister fails to file a timely application for renewal, the
13 insurance department may charge a late fee in an amount established by the
14 insurance department.
- 15 8. For good cause, the insurance department may suspend, revoke, or refuse to issue a
16 certificate under this section.
- 17 9. Any person willfully violating this section is guilty of an infraction.