

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 568**  
Final Reading

Introduced by Harr, 8; Carlson, 38.

Read first time January 23, 2013

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to insurance; to adopt the Health Insurance  
2 Exchange Navigator Registration Act; to provide  
3 severability; and to declare an emergency.  
4 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 8 of this act shall be known and  
2 may be cited as the Health Insurance Exchange Navigator Registration  
3 Act.

4           Sec. 2. For purposes of the Health Insurance Exchange  
5 Navigator Registration Act:

6           (1) Director means the Director of Insurance;

7           (2) Exchange means any health insurance exchange  
8 established or operating in this state, including any exchange  
9 established or operated by the United States Department of Health and  
10 Human Services; and

11           (3) Navigator means any individual or entity, other than  
12 an insurance producer or consultant, that receives any funding,  
13 directly or indirectly, from an exchange, the state, or the federal  
14 government to perform the duties identified in 42 U.S.C. 18031(i)(3),  
15 as such section existed on January 1, 2013.

16           Sec. 3. (1) No individual or entity shall perform, offer  
17 to perform, or advertise any service as a navigator in this state  
18 unless registered as a navigator by the director.

19           (2) A navigator shall not:

20           (a) Engage in any activities that would require an  
21 insurance producer license;

22           (b) Violate section 44-4050;

23           (c) Recommend or endorse a particular health plan;

24           (d) Accept any compensation or consideration from an  
25 insurance company, broker, or consultant that is dependent, in whole

1 or in part, on whether a person enrolls in or purchases a qualified  
2 health plan; or

3 (e) Fail to respond to any written inquiry from the  
4 director regarding the navigator's duties as a navigator or fail to  
5 request additional reasonable time to respond within fifteen working  
6 days.

7 Sec. 4. (1) An individual applying for an individual  
8 navigator registration shall make application to the director on a  
9 form developed by the director which, unless preempted by federal  
10 law, is accompanied by the initial individual registration fee in an  
11 amount not to exceed twenty-five dollars as established by the  
12 director. The individual shall declare in the application under  
13 penalty of refusal, suspension, or revocation of the registration  
14 that the statements made in the application are true, correct, and  
15 complete to the best of the individual's knowledge and belief. Before  
16 approving the application, the director shall find that the  
17 individual:

18 (a) Is at least eighteen years of age;

19 (b) Has successfully passed an examination prescribed by  
20 an exchange established or operating in this state and has been  
21 authorized to act as a navigator; and

22 (c) Has identified any entity navigator with which he or  
23 she is affiliated and supervised.

24 (2) An entity applying for an entity navigator  
25 registration shall make application on a form developed by the

1 director and which contains the information prescribed by the  
2 director and which, unless preempted by federal law, is accompanied  
3 by the initial entity registration fee in an amount not to exceed  
4 fifty dollars as established by the director.

5 (3) The director may require any documents deemed  
6 necessary to verify the information contained in an application  
7 submitted in accordance with subsections (1) and (2) of this section.

8 (4) A registered navigator shall, in a manner prescribed  
9 by the director, notify the director within thirty days of any  
10 federal action that restricts or terminates the navigator's  
11 authorization to act as a navigator.

12 (5) A registered entity navigator shall, in a manner  
13 prescribed by the director, provide the director with a list of all  
14 individual navigators that it employs, supervises, or is affiliated  
15 with.

16 Sec. 5. (1) Individual and entity registrations shall  
17 expire one year after the date of issuance.

18 (2) An individual navigator may file an application for  
19 renewal of a registration on a form developed by the director and,  
20 unless preempted by federal law, shall pay the renewal fee in an  
21 amount not to exceed twenty-five dollars as established by the  
22 director, and an entity navigator may file an application for renewal  
23 of a registration on a form developed by the director and, unless  
24 preempted by federal law, shall pay the renewal fee in an amount not  
25 to exceed fifty dollars as established by the director. An individual

1 navigator who fails to file prior to the expiration of the current  
2 registration for registration renewal, unless preempted by federal  
3 law, shall pay a late fee in an amount not to exceed fifty dollars as  
4 established by the director, and an entity navigator that fails to  
5 file prior to the expiration of the current registration for  
6 registration renewal, unless preempted by federal law, shall pay a  
7 late fee in an amount not to exceed fifty dollars as established by  
8 the director.

9 (3) Any failure to fulfill the federal ongoing training  
10 and continuing education requirements shall result in the expiration  
11 of the registration.

12 Sec. 6. On contact with an individual who acknowledges  
13 having existing health insurance coverage obtained through a licensed  
14 insurance producer, a navigator shall make a reasonable effort to  
15 inform the individual that he or she may, but is not required to,  
16 seek further assistance from that producer or another licensed  
17 producer for information, assistance, and any other services and that  
18 tax credits may not be available to offset the premium cost of plans  
19 that are marketed outside of the exchange.

20 Sec. 7. (1) The director, after notice and hearing, may  
21 place on probation, suspend, revoke, or refuse to issue, renew, or  
22 reinstate a navigator registration for violation of the Health  
23 Insurance Exchange Navigator Registration Act.

24 (2) Except as otherwise provided by law, the director may  
25 examine and investigate the business affairs and records of any

1 navigator as such business affairs and records regard the navigator's  
2 duties as a navigator to determine whether the navigator has engaged  
3 or is engaging in any violation of the act.

4 (3) An entity navigator registration may be suspended or  
5 revoked or renewal or reinstatement thereof may be refused if the  
6 director finds, after notice and hearing, that an individual  
7 navigator's violation was known by the employing or supervising  
8 entity navigator and the violation was not reported to the director  
9 and no corrective action was undertaken.

10 Sec. 8. The director may adopt and promulgate rules and  
11 regulations to carry out the Health Insurance Exchange Navigator  
12 Registration Act.

13 Sec. 9. If any section in this act or any part of any  
14 section is declared invalid or unconstitutional, the declaration  
15 shall not affect the validity or constitutionality of the remaining  
16 portions.

17 Sec. 10. Since an emergency exists, this act takes effect  
18 when passed and approved according to law.