

As Introduced

**129th General Assembly
Regular Session
2011-2012**

H. B. No. 613

Representative Sears

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A B I L L

To amend section 3905.01 and to enact sections 1
3905.47, 3905.471, 3905.472, and 3905.473 of the 2
Revised Code to specify licensing and continuing 3
education requirements for insurance agents 4
involved in selling, soliciting, or negotiating 5
sickness and accident insurance through a health 6
benefit exchange. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3905.01 be amended and sections 8
3905.47, 3905.471, 3905.472, and 3905.473 of the Revised Code be 9
enacted to read as follows: 10

Sec. 3905.01. As used in this chapter: 11

(A) "Affordable Care Act" means the "Patient Protection and 12
Affordable Care Act," 124 Stat. 119, 42 U.S.C. 18031 (2011). 13

(B) "Business entity" means a corporation, association, 14
partnership, limited liability company, limited liability 15
partnership, or other legal entity. 16

~~(B)~~(C) "Home state" means the state or territory of the 17
United States, including the District of Columbia, in which an 18
insurance agent maintains the insurance agent's principal place of 19

residence or principal place of business and is licensed to act as 20
an insurance agent. 21

~~(C)~~(D) "Insurance" means any of the lines of authority set 22
forth in Chapter 1739., 1751., or 1761. or Title XXXIX of the 23
Revised Code, or as additionally determined by the superintendent 24
of insurance. 25

~~(D)~~(E) "Insurance agent" or "agent" means any person that, in 26
order to sell, solicit, or negotiate insurance, is required to be 27
licensed under the laws of this state, including limited lines 28
insurance agents and surplus line brokers. 29

~~(E)~~(F) "Insurer" has the same meaning as in section 3901.32 30
of the Revised Code. 31

~~(F)~~(G) "License" means the authority issued by the 32
superintendent to a person to act as an insurance agent for the 33
lines of authority specified, but that does not create any actual, 34
apparent, or inherent authority in the person to represent or 35
commit an insurer. 36

~~(G)~~(H) "Limited line credit insurance" means credit life, 37
credit disability, credit property, credit unemployment, 38
involuntary unemployment, mortgage life, mortgage guaranty, 39
mortgage disability, guaranteed automobile protection insurance, 40
or any other form of insurance offered in connection with an 41
extension of credit that is limited to partially or wholly 42
extinguishing that credit obligation and that is designated by the 43
superintendent as limited line credit insurance. 44

~~(H)~~(I) "Limited line credit insurance agent" means a person 45
that sells, solicits, or negotiates one or more forms of limited 46
line credit insurance to individuals through a master, corporate, 47
group, or individual policy. 48

~~(I)~~(J) "Limited lines insurance" means those lines of 49
authority set forth in divisions (B)(7) to (11) of section 3905.06 50

of the Revised Code or in rules adopted by the superintendent, or 51
any lines of authority the superintendent considers necessary to 52
recognize for purposes of complying with section 3905.072 of the 53
Revised Code. 54

~~(J)~~(K) "Limited lines insurance agent" means a person 55
authorized by the superintendent to sell, solicit, or negotiate 56
limited lines insurance. 57

~~(K)~~(L) "NAIC" means the national association of insurance 58
commissioners. 59

~~(L)~~(M) "Navigator" means a person selected to perform the 60
activities and duties identified in division (i) of section 1311 61
of the Affordable Care Act that is certified by the superintendent 62
of insurance under section 3905.471 of the Revised Code. 63

(N) "Negotiate" means to confer directly with, or offer 64
advice directly to, a purchaser or prospective purchaser of a 65
particular contract of insurance with respect to the substantive 66
benefits, terms, or conditions of the contract, provided the 67
person that is conferring or offering advice either sells 68
insurance or obtains insurance from insurers for purchasers. 69

~~(M)~~(O) "Person" means an individual or a business entity. 70

~~(N)~~(P) "Sell" means to exchange a contract of insurance by 71
any means, for money or its equivalent, on behalf of an insurer. 72

~~(O)~~(Q) "Solicit" means to attempt to sell insurance, or to 73
ask or urge a person to apply for a particular kind of insurance 74
from a particular insurer. 75

~~(P)~~(R) "Superintendent" or "superintendent of insurance" 76
means the superintendent of insurance of this state. 77

~~(Q)~~(S) "Terminate" means to cancel the relationship between 78
an insurance agent and the insurer or to terminate an insurance 79
agent's authority to transact insurance. 80

~~(R)~~(T) "Uniform application" means the NAIC uniform application for resident and nonresident agent licensing, as amended by the NAIC from time to time.

~~(S)~~(U) "Uniform business entity application" means the NAIC uniform business entity application for resident and nonresident business entities, as amended by the NAIC from time to time.

(V) "Exchange" means a health benefit exchange established by the state government of Ohio or an exchange established by the United States department of health and human services in accordance with the "Patient Protection and Affordable Care Act," 124 Stat. 119, 42 U.S.C. 18031 (2011).

Sec. 3905.47. (A)(1) No agent shall sell, solicit, or negotiate insurance through an exchange on or after January 1, 2014, without first completing training approved by the superintendent of insurance in accordance with division (B) of this section.

(2) Any agent that sells, solicits, or negotiates insurance through an exchange shall complete continuing education, as required by the superintendent in accordance with division (B) of this section.

(B) The superintendent shall approve courses to be used for compliance with division (A) of this section. Division (B) of this section may be satisfied by those continuing education courses approved by the superintendent under sections 3905.481 to 3905.486 of the Revised Code. Any course the superintendent approves shall consist of topics related to insurance offered within an exchange, including all of the following:

(1) The levels of coverage provided in an exchange;

(2) The eligibility requirements for individuals to purchase insurance through an exchange;

<u>(3) The eligibility requirements for employers to make insurance available to their employees through a small business health options program;</u>	111
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<u>(4) Individual eligibility requirements for medicaid;</u>	114
<u>(5) The use of enrollment forms used in an exchange;</u>	115
<u>(6) Any other topics as required by the superintendent.</u>	116
<u>(C) The superintendent shall certify as a navigator an agent who successfully completes the courses approved by the superintendent.</u>	117
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<u>(D) An individual who receives a resident insurance agent license under section 3905.06 of the Revised Code and that is certified under this section shall submit to the exchange the individual's name, business address, telephone number, electronic mail address, and any other information required by the exchange.</u>	120
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<u>Sec. 3905.471.</u> <u>(A) A navigator shall not do any of the following, unless that navigator is otherwise licensed to do so under this chapter:</u>	125
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<u>(1) Sell, solicit, or negotiate health insurance;</u>	128
<u>(2) Enroll an individual or employee in a qualified health plan offered through an exchange;</u>	129
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<u>(3) Assist or provide information to an individual or entity seeking to purchase health insurance through the small business health options program portion of an exchange.</u>	131
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<u>(B) An individual, or an individual performing navigator duties on behalf of an organization serving as a navigator, shall not act in the capacity of a navigator unless the individual has met all of the following requirements:</u>	134
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<u>(1) Is at least eighteen years of age;</u>	138
<u>(2) Has completed and submitted the disclosure form required</u>	139

under division (C)(2) of this section and has declared, under 140
penalty of refusal, suspension, or revocation of the navigator's 141
certification, that the statements made in the form are true, 142
correct, and complete to the best of the applicant's knowledge and 143
belief; 144

(3) Has completed a criminal records check under section 145
3905.051 of the Revised Code, as required by the superintendent; 146

(4) Has successfully completed the certification and training 147
requirements adopted by the superintendent in accordance with 148
division (C) of this section; 149

(5) Has paid all fees required by the superintendent. 150

(C) The superintendent of insurance shall, prior to any 151
exchange becoming operational in this state, do all of the 152
following: 153

(1)(a) Adopt rules to establish a certification and training 154
program for a prospective navigator and the navigator's employees 155
that includes screening via a criminal records check performed in 156
accordance with section 3905.051 of the Revised Code, initial and 157
continuing education requirements, and an examination; 158

(b) The certification and training program shall include 159
training on compliance with the "Health Insurance Portability and 160
Accountability Act of 1996," 110 Stat. 1955, 42 U.S.C. 1320d, et 161
seq., as amended, training on ethics, and training on provisions 162
of the Affordable Care Act relating to navigators and exchanges. 163

(2) Develop a disclosure form by which a navigator may 164
disclose any potential conflicts of interest, as well as any other 165
information the superintendent considers pertinent. 166

(D)(1) The superintendent may suspend, revoke, or refuse to 167
issue or renew the navigator certification of any person that has 168
committed any act that would be a ground for denial, suspension, 169

or revocation of an insurance agent license, as prescribed in 170
section 3905.14 of the Revised Code. 171

(2) The superintendent shall not certify as a navigator, and 172
shall revoke any existing navigator certification of, any 173
individual, organization, or business entity that has received 174
financial compensation, including monetary and in-kind 175
compensation, gifts, or grants, on or after October 1, 2013, from 176
an insurer offering a qualified health benefit plan through an 177
exchange operating in this state. 178

(E) Navigators are subject to the laws of this chapter, and 179
any rules adopted pursuant to the chapter, in so far as such laws 180
are applicable. 181

(F) The superintendent may deny, suspend, approve, renew, or 182
revoke the certification of a navigator if the superintendent 183
determines that doing so would be in the interest of Ohio insureds 184
or the general public. Such an action is not subject to Chapter 185
119. of the Revised Code. 186

(G) The superintendent may adopt rules in accordance with 187
Chapter 119. of the Revised Code to implement sections 3905.47 to 188
3905.473 of the Revised Code. 189

(H) Any fees collected under this section shall be paid into 190
the state treasury to the credit of the department of insurance 191
operating fund created under section 3901.021 of the Revised Code. 192

Sec. 3905.472. An exchange shall permit an insurer to offer 193
any health benefit plan that the insurer seeks to offer through 194
the exchange, so long as the health benefit plan in question is a 195
qualified health plan under the Affordable Care Act, as determined 196
by the superintendent of insurance. 197

Sec. 3905.473. (A) An exchange operating in this state shall 198
maintain a current list of licensed insurance agents that have met 199

all of the requirements necessary to sell insurance through an 200
exchange. 201

(B) An exchange shall make available to an individual upon 202
request a list of insurance agents operating near the individual's 203
residence address that are certified to sell a health benefit plan 204
through an exchange. An exchange operating in this state shall 205
maintain a means of communication by which an individual may make 206
such a request. 207

(C) Any web site, software application, or other electronic 208
medium, or an exchange-sanctioned outreach event that enables a 209
consumer to determine eligibility for and to purchase a qualified 210
health plan through an exchange shall include information on how 211
an individual can obtain from an exchange the contact information 212
of insurance agents operating near the individual's residence 213
address that are certified to sell health benefit plans through an 214
exchange. 215

Section 2. That existing section 3905.01 of the Revised Code 216
is hereby repealed. 217