

As Reported by the House Health and Aging Committee

129th General Assembly

Regular Session

2011-2012

Sub. H. B. No. 613

Representative Sears

Cosponsor: Representative Hackett

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

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

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

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

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

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

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

~~(I)~~(J) "Limited lines insurance" means those lines of

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 81
application for resident and nonresident agent licensing, as 82
amended by the NAIC from time to time. 83

~~(S)~~(U) "Uniform business entity application" means the NAIC 84
uniform business entity application for resident and nonresident 85
business entities, as amended by the NAIC from time to time. 86

(V) "Exchange" means a health benefit exchange established by 87
the state government of Ohio or an exchange established by the 88
United States department of health and human services in 89
accordance with the "Patient Protection and Affordable Care Act," 90
124 Stat. 119, 42 U.S.C. 18031 (2011). 91

Sec. 3905.47. (A)(1) No agent shall sell, solicit, or 92
negotiate insurance through an exchange on or after January 1, 93
2014, without first completing training approved by the 94
superintendent of insurance in accordance with division (B) of 95
this section. 96

(2) Any agent that sells, solicits, or negotiates insurance 97
through an exchange shall complete continuing education, as 98
required by the superintendent in accordance with division (B) of 99
this section, as applicable. 100

(B) The superintendent shall approve courses to be used for 101
compliance with division (A) of this section. Division (B) of this 102
section may be satisfied by those continuing education courses 103
approved by the superintendent under sections 3905.481 to 3905.486 104
of the Revised Code. Any course the superintendent approves shall 105
consist of topics related to insurance offered within an exchange, 106
including all of the following: 107

(1) The levels of coverage provided in an exchange; 108

(2) The eligibility requirements for individuals to purchase 109

<u>insurance through an exchange;</u>	110
<u>(3) The eligibility requirements for employers to make</u>	111
<u>insurance available to their employees through a small business</u>	112
<u>health options program;</u>	113
<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 an agent who</u>	117
<u>successfully completes the courses approved by the superintendent.</u>	118
<u>(D) An individual who receives a resident insurance agent</u>	119
<u>license under section 3905.06 of the Revised Code and that is</u>	120
<u>certified under this section shall submit to the exchange the</u>	121
<u>individual's name, business address, telephone number, electronic</u>	122
<u>mail address, and any other information required by the exchange.</u>	123
<u>Sec. 3905.471. (A) A navigator may do any of the following:</u>	124
<u>(1) Conduct public education activities to raise awareness of</u>	125
<u>the availability of qualified health plans;</u>	126
<u>(2) Distribute fair and impartial general information</u>	127
<u>concerning enrollment in all qualified health plans offered within</u>	128
<u>the exchange and the availability of the premium tax credits under</u>	129
<u>section 36B of the Internal Revenue Code of 1986, 26 U.S.C. 36B,</u>	130
<u>and cost-sharing reductions under section 1402 of the Affordable</u>	131
<u>Care Act;</u>	132
<u>(3) Facilitate enrollment in qualified health plans, without</u>	133
<u>suggesting that an individual select a particular plan.</u>	134
<u>(B) A navigator shall not do any of the following, unless</u>	135
<u>that navigator is otherwise licensed to do so under this chapter:</u>	136
<u>(1) Sell, solicit, or negotiate health insurance;</u>	137

<u>(2) Enroll an individual or employee in a qualified health plan offered through an exchange;</u>	138
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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>	140
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<u>(C) 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, as applicable:</u>	143
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<u>(1) Is at least eighteen years of age;</u>	147
<u>(2) Has completed and submitted the disclosure form required under division (D)(2) of this section and has declared, under penalty of refusal, suspension, or revocation of the navigator's certification, that the statements made in the form are true, correct, and complete to the best of the applicant's knowledge and belief;</u>	148
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<u>(3) Has completed a criminal records check under section 3905.051 of the Revised Code, as required by the superintendent;</u>	154
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<u>(4) Has successfully completed the certification and training requirements adopted by the superintendent in accordance with division (D) of this section;</u>	156
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<u>(5) Has paid all fees required by the superintendent.</u>	159
<u>(D) The superintendent of insurance shall, prior to any exchange becoming operational in this state, do all of the following:</u>	160
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<u>(1)(a) Adopt rules to establish a certification and training program for a prospective navigator and the navigator's employees that includes screening via a criminal records check performed in accordance with section 3905.051 of the Revised Code, initial and continuing education requirements, and an examination;</u>	163
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(b) The certification and training program shall include training on compliance with the "Health Insurance Portability and Accountability Act of 1996," 110 Stat. 1955, 42 U.S.C. 1320d, et seq., as amended, training on ethics, and training on provisions of the Affordable Care Act relating to navigators and exchanges.

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

(E)(1) The superintendent may suspend, revoke, or refuse to issue or renew the navigator certification of any person that has committed any act that would be a ground for denial, suspension, or revocation of an insurance agent license, as prescribed in section 3905.14 of the Revised Code.

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

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

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

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

(I) Any fees collected under this section shall be paid into 199
the state treasury to the credit of the department of insurance 200
operating fund created under section 3901.021 of the Revised Code. 201

Sec. 3905.472. An exchange shall permit an insurer to offer 202
any health benefit plan that the insurer seeks to offer through 203
the exchange, so long as the health benefit plan in question is a 204
qualified health plan under the Affordable Care Act, as approved 205
by the superintendent of insurance. 206

Sec. 3905.473. (A) An exchange operating in this state shall 207
maintain a current list of both of the following: 208

(1) Licensed insurance agents that have met all of the 209
requirements necessary to sell insurance through an exchange; 210

(2) Individuals or entities that are not licensed insurance 211
agents that have met all the requirements to be certified by the 212
superintendent as a navigator. 213

(B) An exchange shall make available to an individual upon 214
request a list of insurance agents operating near the individual's 215
residence address that are certified to sell a health benefit plan 216
through an exchange and navigators that are certified under 217
section 3905.471 of the Revised Code. An exchange operating in 218
this state shall maintain a means of communication by which an 219
individual may make such a request. 220

(C) Any web site, software application, or other electronic 221
medium, or an exchange-sanctioned outreach event that enables a 222
consumer to determine eligibility for and to purchase a qualified 223
health plan through an exchange shall include information on how 224
an individual can obtain from an exchange the contact information 225
of insurance agents operating near the individual's residence 226
address that are certified to sell health benefit plans through an 227
exchange and navigators that are certified under section 3905.471 228

<u>of the Revised Code.</u>	229
Section 2. That existing section 3905.01 of the Revised Code	230
is hereby repealed.	231