

HOUSE BILL NO. 567

INTRODUCED BY M. CAFERRO

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING TRAINING REQUIREMENTS FOR INSURANCE NAVIGATORS; ACCEPTING COMPLETION OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES TRAINING FOR NAVIGATOR CERTIFICATION; ~~AND~~ AMENDING SECTIONS 33-17-241 AND 33-17-242, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 33-17-241, MCA, is amended to read:

"33-17-241. Navigator certification -- duties -- prohibitions. (1) An individual or an individual performing navigator duties on behalf of an organization serving as a navigator may not act in the capacity of a navigator unless the individual has met all of the following requirements, as applicable:

- (a) is at least 18 years of age;
- (b) has completed and submitted the application form provided for in 33-17-242 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;
- (c) has completed a background examination as described in 33-17-220;
- ~~(d) has successfully completed the navigator certification and training requirements adopted by the commissioner, as provided in 33-17-242; and~~
- (d) has documentation of successful completion of the centers for medicare and medicaid services navigator certification training requirements or navigator recertification training requirements, as applicable; and
- (e) has paid all fees required by 33-2-708.

- (2) A navigator's duties may include any of the following:
 - (a) conducting public education activities to raise awareness of the availability of qualified health plans;
 - (b) distributing fair and impartial general information concerning how to enroll in any qualified

1 health plan offered within the exchange and the availability of the premium tax credits under 26 U.S.C. 36B and
2 the cost-sharing reductions provided under 42 U.S.C. 18071;

3 (c) assisting consumers in understanding how to enroll in a qualified health plan through an
4 exchange or appropriate public programs offering health care coverage, without suggesting that the consumer
5 purchase any particular plan; and

6 (d) referring consumers to the commissioner's office for assistance with complaints, appeals, or
7 grievances or for general information about health insurance.

8 (3) A navigator may not do any of the following unless the navigator is otherwise licensed or
9 authorized to do so under this chapter:

10 (a) sell, solicit, or negotiate health insurance;

11 (b) recommend, endorse, or offer opinions about the benefits, terms, or features of a particular
12 health benefit plan or offer an opinion about which health benefit plan is better or worse for a particular
13 individual or employer;

14 (c) provide any information or services related to a health benefit plan or another product not
15 offered in the exchange;

16 (d) engage in any unfair method of competition or any fraudulent, deceptive, or dishonest act or
17 practice; or

18 (e) enroll an individual or an employee in a qualified health plan offered through an exchange."
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20 **Section 2.** Section 33-17-242, MCA, is amended to read:

21 **"33-17-242. Commissioner's duties -- navigator certification and training program-- training for**
22 **certified application counselors and others.** (1) The commissioner shall:

23 (a) develop a navigator certification application form that requires an applicant to disclose potential
24 conflicts of interest and any other information the commissioner considers relevant; and

25 ~~(b) establish a navigator certification and training program for a prospective navigator and the~~
26 ~~navigator's employees;~~

27 ~~(c) approve courses and the number of hours required for the navigator certification and training~~
28 ~~program;~~

