



AN ACT REVISING TRAINING REQUIREMENTS FOR INSURANCE NAVIGATORS; ACCEPTING COMPLETION OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES TRAINING FOR NAVIGATOR CERTIFICATION; 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 health plan offered within the exchange and the availability of the premium tax credits under 26 U.S.C. 36B and the cost-sharing reductions provided under 42 U.S.C. 18071;

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

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

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

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

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

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

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

(e) enroll an individual or an employee in a qualified health plan offered through an exchange."

Section 2. Section 33-17-242, MCA, is amended to read:

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

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

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

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

program;

~~(d) approve courses for continuing education covering 10 hours in every 24-month period; and~~

~~(e)(b) certify an applicant ~~qualified under~~ meeting the requirements of 33-17-241(1) upon the applicant's successful completion of the navigator certification and training program approved by the commissioner.~~

(2) The commissioner may suspend, revoke, or refuse to issue or renew the navigator certification of a person that has committed an act for which the grounds for denial, suspension, or revocation are described in 33-17-1001 regarding an insurance producer's license.

(3) The commissioner may not certify as a navigator an individual, organization, or business entity that is receiving financial compensation, including monetary or in-kind compensation, gifts, or grants, from an insurer. A navigator certification must be revoked if the navigator receives financial compensation as described in this subsection from an insurer.

~~(4) The navigator certification and training program established in subsection (1) must include:~~

~~(a) a background examination as provided in 33-17-220;~~

~~(b) initial training on compliance with all applicable state and federal laws affecting major medical health insurance, exchanges, and qualified health plans;~~

~~(c) continuing education as provided in subsection (1)(d); and~~

~~(d) an examination.~~

~~(5)~~(4) The commissioner may prescribe training for an application counselor provided for in federal rule and other persons who while not part of the navigator program assist those who sign up for an exchange. The commissioner may require completion of the training before certification by the exchange. The training must be designed for those who assist applicants seeking to enroll in coverage through the exchange."

Section 3. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 567, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2023.

President of the Senate

Signed this _____ day
of _____, 2023.

HOUSE BILL NO. 567

INTRODUCED BY M. CAFERRO

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