



State of Tennessee

PUBLIC CHAPTER NO. 377

SENATE BILL NO. 1145

By Green, Bowling, Gardenhire, Yager

Substituted for: House Bill No. 881

By Pitts, Sargent, Favors, Camper

AN ACT to amend Tennessee Code Annotated, Title 56, Chapter 6, relative to the regulation of navigators in the implementation of the Patient Protection and Affordable Care Act regarding health insurance exchanges.

WHEREAS, HR. 3590, the Patient Protection and Affordable Care Act (PPACA) became law on March 23, 2010; and

WHEREAS, PPACA established health care exchanges to facilitate the purchase of health insurance; and

WHEREAS, currently health insurance agents must be licensed under the Tennessee Insurance Producer Licensing Act of 2002, Tenn. Code Ann. § 56-6-101; and

WHEREAS, the act requires insurance agents to complete both prelicensing and continuing education, undergo background checks, fingerprinting, and other consumer protections; and

WHEREAS, the United States Congress has declared in the McCarran-Ferguson Act and the Gramm-Leach-Bliley Act that states should regulate the business of insurance; and

WHEREAS, PPACA has created a new, federally mandated program which requires that exchanges must establish a navigator program to assist in the enrollment of exchanges; and

WHEREAS, navigators assisting consumers will obtain disclosure of private personal information such as social security numbers, tax returns, income, and personal health information; and

WHEREAS, it is in the best interest of the people of the State of Tennessee that navigators be licensed and regulated insofar as is consistent with PPACA; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 6, is amended by adding the following language as a new part:

56-6-1201. For purposes of this part:

(1) "Commissioner" means the commissioner of commerce and insurance;

(2) "Exchange" means any health benefit exchange established or operating in this state, including any exchange established or operated by the United States department of health and human services; and

(3) "Navigator" means any person, other than an insurance producer, who:

(A) Receives any funding, directly or indirectly, from an exchange, this state or the federal government to perform any of the activities and duties identified in 42 U.S.C. § 18031(i);

(B) Facilitates enrollment of individuals or employers in health plans or public insurance programs offered through an exchange;

(C) Conducts public education or consumer assistance activities for, or on behalf of, an exchange; or

(D) Is described or designated by an exchange, this state or the United States department of health and human services, or could reasonably be described or designated as, a navigator, an in-person assister, enrollment assister, application assister or application counselor.

56-6-1202. No navigator shall sell, solicit or negotiate any policy of insurance, either within or outside of an exchange.

56-6-1203. The commissioner may:

- (1) Issue a cease and desist order to a navigator for violating state or federal law pertaining to an exchange; and
- (2) Seek injunctive relief against a navigator acting in violation of state or federal law pertaining to an exchange.

56-6-1204. The commissioner may promulgate such rules and regulations as may be necessary or appropriate to regulate the activities of navigators as may be consistent with the Patient Protection and Affordable Care Act.

56-6-1205. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 2. This act shall take effect July 1, 2013, the public welfare requiring it.

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PASSED: April 16, 2013

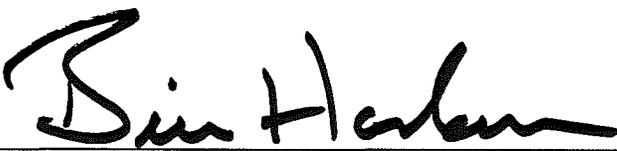


RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 14th day of May 2013



BILL HASLAM, GOVERNOR