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Sequence Number: 03-02-17  
 Notice ID(s): 2681  
 File Date: 3/6/17

# Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

<b>Agency/Board/Commission:</b>	Department of Commerce and Insurance
<b>Division:</b>	Insurance
<b>Contact Person:</b>	Jenny Taylor, Assistant General Counsel for Insurance
<b>Address:</b>	Davy Crockett Tower, 8 <sup>th</sup> Floor 500 James Robertson Pkwy Nashville, TN 37243
<b>Phone:</b>	(615) 770-5305
<b>Email:</b>	Jenny.Taylor@TN.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

<b>ADA Contact:</b>	Don Coleman
<b>Address:</b>	Davy Crockett Tower, 5 <sup>th</sup> Floor 500 James Robertson Pkwy Nashville, TN 37243
<b>Phone:</b>	(615) 741-0481
<b>Email:</b>	Don.Coleman@TN.gov

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	Davy Crockett Tower, Conference Room 1A, First Floor		
Address 2:	500 James Robertson Pkwy		
City:	Nashville, TN		
Zip:	37243		
Hearing Date:	05/09/2017		
Hearing Time:	10:00 AM	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

**Additional Hearing Information:**

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**Revision Type (check all that apply):**

- Amendment
- New
- Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0780-01-55	Navigator and Certified Application Counselor Registration Requirements
Rule Number	Rule Title
0780-01-55-.05	Registration Renewal
0780-01-55-.09	Other Laws; Severability

Chapter 0780-01-55  
Navigator and Certified Application Counselor Registration Requirements

Amendments

Rule 0780-01-55-.05, Registration Renewal, is amended by deleting Paragraph (1) in its entirety and substituting instead the following language. The phrase in subdivision (1)(a) "[effective date of this rule filing]" shall be replaced with the actual effective date of this amendment. The amended rule shall read:

- (1) A navigator, business entity navigator, certified application counselor, or certified application counselor organization registration shall expire on September 30 of each year. A navigator's, business entity navigator's, certified application counselor's, or certified application counselor organization's existing registration shall remain in effect during the pendency of a renewal application.
  - (a) A navigator, business entity navigator, certified application counselor, or certified application counselor organization registration that is in effect on [effective date of this rule filing] shall expire on September 30, 2018.
  - (b) For registrations that were extended to September 30, 2018 pursuant to 0780-01-55-.05(1)(a), the registrant need only comply with renewal requirements as prescribed by 0780-01-55-.05 at the time of the September 30, 2018 renewal and for purposes of meeting continuing education requirements, proof of completion of twelve (12) continuing education hours at the time of the September 30, 2018 renewal will be satisfactory.

Rule 0780-01-55-.05, Registration Renewal, is amended by deleting Paragraphs (2) through (7) in their entirety and substituting the following language so that as amended the rule shall read:

- (2) A navigator, business entity navigator, certified application counselor, or certified application counselor organization may file an application for renewal from September 1 to September 30 of each year. All applications for renewal must use the application prescribed by the commissioner. A navigator, business entity navigator, certified application counselor, or certified application counselor whose registration lapses for more than twelve (12) months from the renewal date shall be required to submit a new application and meet all new application requirements provided by Rule 0780-01-55-.04.
- (3) Prior to the filing date for application for renewal of a license, an individual navigator or certified application counselor shall complete twelve (12) hours of continuing education requirements with one (1) credit hour equaling fifty (50) minutes in length. An entity registered as a navigator or a certified application counselor organization shall provide or shall arrange for continuing education to be provided to the individual navigators and certified application counselors. Any failure to fulfill the ongoing continuing education requirements shall result in the expiration of the individual navigator's or certified application counselor's registration. Individual navigators and certified application counselors whose registration has expired for failing to complete the continuing education requirements may not apply for a registration until they have provided satisfactory proof to the commissioner that they have completed the required continuing education requirements and have filed for an application for registration in accordance with rule 0780-01-55-.04.
- (4) For continuing education provided to navigators and certified application counselors:
  - (a) It is recommended that one (1) hour should have course concentration in ethics during each continuing education year.
  - (b) The federal training required for navigators and certified application counselors may only count toward a maximum of five (5) continuing education requirement hours under this

rule.

- (c) It is recommended an educational program should be a formal program of learning which contributes directly to the professional competence of the registrant. It is recommended that such formal programs:
1. File the education program with the commissioner on a form approved by the commissioner;
  2. Prepare and maintain a detailed outline for four (4) years after the presentation;
  3. Concentrate on subject areas such as:
    - (i) Insurance laws and regulations;
    - (ii) Health insurance overview;
    - (iii) Providing assistance in the marketplace;
    - (iv) Eligibility and enrollment;
    - (v) Privacy and security;
    - (vi) TennCare and other Tennessee assistance programs;
    - (vii) Financial literacy;
    - (viii) Special marketplace circumstances;
    - (ix) Ethics;
  4. Avoid subject areas such as:
    - (i) Committee service in any professional organization;
    - (ii) Computer science courses; and
    - (iii) Motivational, psychology, or sales training courses.
- (d) Reporting of Continuing Education. Entities registered as navigators and certified application counselor organizations shall, in a manner prescribed by the commissioner, provide the commissioner with a list of all individual navigators or certified application counselors that it employs, supervises or is affiliated with on an annual basis upon renewal. This list shall certify that continuing education has been provided for individual navigator and certified application counselor registrants.
- (e) The commissioner may, upon written request, extend the time in which a registrant must comply with or grant exception to the continuing education requirements of this Rule for reasons of poor health, military service, or other reasonable and just causes, including situations in which an individual navigator or certified application counselor becomes affiliated with, employed by, or supervised by an entity registered as a navigator or certified application organization, and such individual has not completed the continuing education requirements before the individual's renewal because the continuing education has not yet been provided by the entity or organization.

Authority: Tenn. Pub. Acts 2013, ch. 377, T.C.A. §§ 56-2-301 and 56-6-1301 through 56-6-1305

Paragraph (4) of rule 0780-01-55-.09, Other Laws; Severability is amended by deleting the paragraph in its entirety and substituting instead the following language so that as amended the paragraph shall read:

- (4) The requirements of this chapter shall not apply to state and local government agencies, employees acting in their official capacities as employees of state and local government agencies, or any contractors to the extent of their official duties for state and local government agencies.

Authority: Tenn. Pub. Acts 2013, ch. 377, T.C.A. §§ 56-2-301, 56-6-104, 56-8-101 through 56-8-113 and 56-6-1301 through 56-6-1305.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: March 6, 2017

Signature: Jenny Taylor

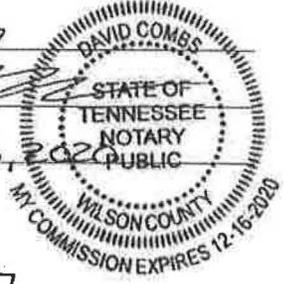
Name of Officer: Jenny Taylor

Title of Officer: Assistant General Counsel

Subscribed and sworn to before me on: March 6, 2017

Notary Public Signature: [Signature]

My commission expires on: December 16, 2020



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Filed with the Department of State on: 3/6/17

[Signature]

Tre Hargett  
Secretary of State

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