

National Conference of State Legislatures

Role of Navigators in State Health Insurance Exchanges (State Legislation)

| STATE | STRUCTURE ¹ | GOVERNANCE ² | SELECTION OF CARRIERS ³ | ROLE OF NAVIGATORS |
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| CALIFORNIA 2010 SB 900 and AB 1602 | Independent State Agency | 5 member board The members of the board have been appointed . Click here for California Exchange web page. | Active Purchaser | Legislation allows the use of navigators, the board is responsible for defining rules on navigator participation. |
| COLORADO 2011 SB 200, Chapter No. 246 | Non-Profit | 12 member board Governor Hickenlooper appointed members on June 29, 2011. Click here for Board Information and Resource Page. | Not an Active Purchaser | Advisory groups can be used to provide recommendations to the board. On May 29, 2012, the COHBE created the Individual Experience Advisory Group . This Advisory Group will work to maximize the quality of the consumer shopping experience on the individual exchange. This group will inform the way COHBE handles appeals from consumers and appropriate ways of notifying consumers about changes to their insurance status. The role of individuals who will assist with providing Exchange services will also be addressed by this group. |
| CONNECTICUT 2011 SB 921, Public Act 11-53 | Quasi-Public Agency | 14 member board Membership of the board was announced on August 25, 2011. Click here to visit Connecticut | Active Purchaser | The board is required to address how they will deal with navigators (brokers/agents). In January 2012, Mercer Health & Benefits released a planning report , which recommended that the Exchange monitor the functions of the Navigator program as the regulation gets codified and their role is further defined. |

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| | | Exchange web site. | | |
| <p>HAWAII 2011 SB 1348 Act 205</p> | Non-Profit | Interim Board until 15 Member board is appointed by July 1, 2012. | The Insurance Commissioner will determine eligibility for plans, but all plans that apply will be included in the exchange. | <p>Interim board will make recommendations regarding a funding plan (not allowed to use state funds), navigators, among other items by the 2012 legislative session.</p> <p>The Interim Board Final Report stated, “ To avoid conflicts of interest, the Interim Board recommends that eligibility to be a navigator be restricted to nonprofit organizations in Hawaii. (See Comment 2 and proposed statutory amendments in Part VI of this Report.)</p> <p>With specific regard to insurance producers in Hawaii, the Interim Board takes the view that they should not act as Navigators because of their direct conflict of interest in the sale of insurance products. (See Comment 2 and proposed statutory amendments in Part VI of this Report.) Despite this recommendation, the Interim Board recognizes the role that insurance producers play in Hawaii with regard to selling insurance products to small business owners.</p> <p>Accordingly, the Interim Board does not believe that insurance producers should be prohibited from selling insurance products that are available through the Connector. At this time, there is no funding, federal or state, that is allocated for the Navigator program. Funding for the Navigator program may come from grants from the operational funds of the Connector; however, federal funds that are received by the State or the Connector to establish the Connector may not be used.²² The Interim Board</p> |

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| | | | | <p>expects that it will address this issue over the coming year as its discussion of the Connector's budgetary needs and available funding sources evolve.”</p> |
| <p>MARYLAND 2011 SB182 (Chapter 1) and 2011 HB 166 (Chapter 2)</p> | <p>Independent State Agency</p> | <p>9 member board <hr/> Governor O'Malley appointed members on May 26, 2011. Click here to visit the exchange web site.</p> | <p>The board will decide as part of their planning.</p> | <p>In December 2011, the board submitted a letter and recommendations to the governor and legislature. The report included recommendations on the design and operation of the Exchange's Navigator Program and any other appropriate consumer assistance mechanisms:</p> <ul style="list-style-type: none"> • The Exchange should have separate Navigator Programs for the individual and small group markets. • The Exchange should work with Medicaid to integrate the Navigator Program with Medicaid outreach and enrollment. • The Exchange should adopt the Producer Interface Model for the SHOP Exchange and the Market Integration Option for the individual Exchange. These options maintain and utilize the expertise in the existing marketplace to reach the 730,000 uninsured in Maryland. • The Exchange should develop and implement a certification program, approved by the Maryland Insurance Administration, for individuals who perform certain Navigator functions. Navigators earning certification by the Exchange should be exempt from producer and adviser licensure requirements. • The Exchange and the Maryland Insurance Administration should develop an enforcement model for Navigator misconduct. |
| <p>MASSACHUSETTS</p> | <p>(Operational)</p> | <p>11</p> | <p>Active</p> | <p>The Blue Cross Blue Shield Foundation published a report on</p> |

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| Chapter 58 of the Acts of 2006 | Independent State Agency | <p>member board</p> <hr/> <p>Click here for a complete list of board members.</p> | Purchaser | <p><i>Lessons from the Implementation of the Massachusetts Health Reform</i>, on page 12 of the report; lesson 4 discusses the outreach efforts in the state and the use of navigators when operating their exchange.</p> <p>For a recent report on the Massachusetts Health Connector: http://bluecrossfoundation.org/Health-Reform/~media/0FF9BF33E14E4E089335AD12E8DEB77E.pdf</p> |
| NEVADA 2011 SB 440 Chapter No. 439 | Independent State Agency | <p>10 member board</p> <hr/> <p>Click here for a list of board members and to visit the Silver State Health Insurance Exchange Web Site.</p> | The board will determine in its operational plan. | <p>Required to submit annual reports to the Governor and the Legislature. In the most recent “Operational Plan” submitted by the Board:</p> <p>For the Navigator program, the Exchange will define Navigator roles, identify potential Navigator organizations, and develop options for Navigators and brokers to assist with outreach, marketing, and enrollment. The Exchange will also develop financial processes for Navigator grants, solicit grantee organizations, and issue grants.</p> <ul style="list-style-type: none"> • Created the Consumer Assistance Advisory Group <ul style="list-style-type: none"> ○ The advisory group “will develop a multi-pronged outreach, education, and enrollment program that is coordinated with various state agencies and includes a website, a customer service unit and a call center to help people with the eligibility and enrollment process. The Committee will determine the responsibilities of Navigators and Brokers in the education and enrollment processes.” <p>ADVISORY COMMITTEE RECOMMENDATIONS APPROVED BY THE BOARD</p> |
| OREGON 2011 SB 99, Chapter | Independent Public | 9 member board, 7 voting members | Active Purchaser | The exchange is allowed to enter into contracts with certified navigators. The governor approved the Oregon Health Insurance |

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| 415 | Corporation of the State | <p>and 2 ex-officio non-voting</p> <hr/> <p>Governor John Kitzhaber has appointed the exchange board members. Click here to visit Oregon's Health Insurance Exchange Web Page.</p> | | <p>Exchange Business Plan:</p> <p>Community-based assistance. The Exchange will include a network of specially trained customer service staff, navigators, insurance agents, and other community-based organizations that will help guide Oregonians in all parts of the state through applying to the Exchange and enrolling in coverage. The corporation will develop its customer service plan in spring 2012, based in part on guidance from the federal government on the roles of navigators and agents.</p> |
| <p>UTAH HB 133 of 2008 and HB 188 of 2009</p> | <p>(Operational) Existing Agency-Office of Consumer Health Services</p> | <p>Not a set number, can be up to 9</p> | <p>Not an Active Purchaser, all plans are allowed to participate</p> | <p>Their exchange allows the use of agents and brokers. For more information: http://www.exchange.utah.gov/</p> |
| <p>VERMONT 2011 HB 202, Act No. 48</p> | <p>Existing Agency</p> | <p>The Deputy Commissioner of the Department of Health Access</p> | <p>Not an Active Purchaser</p> | <p>The intent of the general assembly is to establish the Vermont health benefit exchange in a manner such that it may become the foundation for Green Mountain Care.</p> <ul style="list-style-type: none"> ▪ The department of Vermont health access will establish the Vermont health benefit exchange. The Vermont health benefit exchange will be considered a division within the department of Vermont health access and will be headed by a deputy commissioner. ▪ The Vermont health benefit exchange will establish a navigator program to assist individuals and employers in enrolling |

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| | | | | in a qualified health benefit plan. |
| WASHINGTON Chapter 317, Laws of 2011 SB 5445 | Public/Private Partnership separate from the state | 11 member board | Board of Directors will decide | <ul style="list-style-type: none"> ▪ The board has to develop an implementation report to be presented to the legislature by 2012. ▪ |
| WEST VIRGINIA 2011 HB 408, Act No. 100 | New Entity within the Office of Insurance Commissioner | 10 member board | Not an Active Purchaser | Not addressed so far. |