

SECOND REGULAR SESSION

SENATE BILL NO. 498

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Pre-filed December 1, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

4428S.02I

AN ACT

To repeal section 376.2004, RSMo, and to enact in lieu thereof two new sections relating to health benefit exchange navigators.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 376.2004, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 376.2004 and 376.2013, to read
3 as follows:

376.2004. 1. An individual applying for a navigator license shall make
2 application to the department on a form developed by the director and declare
3 under penalty of refusal, suspension, or revocation of the license that the
4 statements made in the application are true, correct, and complete to the best of
5 the individual's knowledge and belief. Before approving the application, the
6 director shall find that the individual:

7 (1) Is eighteen years of age or older;

8 (2) Resides in this state or maintains his or her principal place of business
9 in the state;

10 (3) Is not disqualified for having committed any act that would be grounds
11 for refusal to issue, renew, suspend, or revoke an insurance producer license
12 under section 375.141;

13 (4) Has successfully passed the written examination prescribed by the
14 director;

15 (5) When applicable, has the written consent of the director under 18
16 U.S.C. 1033 or any successor statute regulating crimes by or affecting persons
17 engaged in the business of insurance whose activities affect interstate commerce;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 (6) Has identified the entity with which he or she is affiliated and
19 supervised; [and]

20 (7) **Filed with the director, and maintains during the term of the**
21 **license, in force and unimpaired, a bond in an amount no less than one**
22 **hundred thousand dollars from an insurer authorized to do business in**
23 **this state to protect all persons against the wrongful acts,**
24 **misrepresentations, errors, omissions, or negligence of the navigator.**
25 **No bond shall be terminated by the bond issuer unless at least thirty**
26 **days' prior written notice is given to the navigator and director; and**

27 (8) Has paid the fees prescribed by the director.

28 2. An entity that acts as a navigator, supervises the activities of
29 individual navigators, or receives funding to perform such activities shall obtain
30 a navigator entity license. An entity applying for an entity navigator license
31 shall make application on a form containing the information prescribed by the
32 director.

33 3. The director may require any documents deemed necessary to verify the
34 information contained in an application submitted in accordance with subsections
35 1 and 2 of this section.

36 4. Entities licensed as navigators shall, in a manner prescribed by the
37 director, provide a list of all individual navigators that are employed by or in any
38 manner affiliated with the navigator entity and shall report any changes in
39 employment or affiliation within twenty days of such change.

40 5. Prior to any exchange becoming operational in this state, the director
41 shall prescribe initial training, continuing education, and written examination
42 standards and requirements for navigators.

376.2013. It shall be unlawful for any navigator to release
2 **personal identifying information obtained in the course of their duties**
3 **as a navigator to any party other than to the department of social**
4 **services, the department of insurance, financial institutions and**
5 **professional registration, or any federal agency or other entitled entity**
6 **as required by 42 U.S.C. 18083. Any person whose personal identifying**
7 **information is released in violation of this section shall be entitled to**
8 **bring an action for damages and for such equitable relief, including an**
9 **injunction, as the court deems necessary and proper. If the court finds**
10 **for the plaintiff, recovery shall be in the amount of actual damages or**

11 **fifty thousand dollars, whichever is greater. In addition, a prevailing**
12 **plaintiff shall be awarded court costs and reasonable attorney's fees, as**
13 **determined by the court.**

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Bill

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