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NCOIL URGES STATES TO REGULATE HEALTHCARE EXCHANGE NAVIGATORS

Washington, D.C., March 10, 2013— At its 2013 Spring Meeting here, the National Conference of Insurance Legislators (NCOIL) adopted a resolution advising states to enact a licensing and regulatory framework for healthcare navigators created by the Affordable Care Act (ACA), with the goal of ensuring that navigators will have the meaningful insurance knowledge and experience relevant to performing their important and sensitive duties.

NCOIL President Representative Charles Curtiss of Tennessee said, "These navigators will be talking to lots of people who have never tried to buy health insurance before. One way or the other, we have to be sure the navigators are qualified and trained to help people with what will be a complicated marketplace."

Representative George Keiser of North Dakota, who sponsored the resolution, said, "It is the responsibility of the states to protect our consumers. Someone has to be able to respond to complaints about a navigator and make sure they are not taking advantage of their clients."

The resolution calls on states to ensure that navigators are qualified and trained, subject to background checks, and that state insurance regulators have jurisdiction for policing and enforcement. The resolution also applies to the "assistors" that are similar to navigators and created by HHS regulations.

The ACA created the "Navigator" program to assist consumers in understanding the healthcare exchanges, the tax credits or subsidies available to low income individuals and the dynamics of choosing a healthcare plan. The ACA makes clear that navigators are not supposed to be selling insurance or receiving compensation for steering anyone to a particular plan.

Navigators will be required for both state and federal exchanges and will be funded through the exchange, rather than by federal funds. The U.S. Health and Human Services Department has so far ruled that navigators – even those serving federal exchange consumers – will have to comply with state regulations.

The NCOIL 2013 Summer Meeting will take place from July 11 through 14 in Philadelphia, PA.

NCOIL is an organization of state legislators whose main area of public policy interest is insurance legislation and regulation. Most legislators active in NCOIL either chair or are members of the committees responsible for insurance legislation in their respective state houses across the country. More information is available at www.ncoil.org.

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