(h) The Texas Legislative Council and the Texas Ethics Commission shall provide any necessary staff and resources to the committee created under this section.

SECTION 2. ABOLITION OF COMMITTEE. The committee is abolished and this Act expires December 21, 2014.

SECTION 3. EFFECTIVE DATE. This Act takes effect September 1, 2013.

Passed the Senate on April 18, 2013: Yeas 31, Nays 0; the Senate concurred in House amendment on May 24, 2013: Yeas 31, Nays 0; passed the House, with amendment, on May 21, 2013: Yeas 148, Nays 1, one present not voting.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 1236

S.B. No. 1795

AN ACT relating to the regulation of navigators for health benefit exchanges.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle D, Title 13, Insurance Code, is amended by adding Chapter 4154 to read as follows:

CHAPTER 4154. NAVIGATORS FOR HEALTH BENEFIT EXCHANGES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 4154.001. PURPOSE. Since the State of Texas opted out of implementing a state exchange, pursuant to the Patient Protection and Affordable Care Act (Pub. L. No. 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152), the purpose of this chapter is to provide a state solution to ensure that Texans are able to find and apply for affordable health coverage under any federally run health benefit exchange, while helping consumers in this state.

Sec. 4154.002. DEFINITIONS. In this chapter:

(1) "Health benefit exchange" means a health benefit exchange established or operated by the secretary of the United States Department of Health and Human Services under 42 U.S.C. Section 18041.

(2) "Health benefit plan issuer" means an insurance company or health maintenance organization regulated by the department and authorized to issue a health insurance policy or other health benefit plan. The term includes:

(A) a stock life, health, or accident insurance company;
(B) a mutual life, health, or accident insurance company;
(C) a stock casualty insurance company;
(D) a mutual casualty insurance company;
(E) a Lloyd's plan;
(F) a reciprocal or interinsurance exchange;
(G) a fraternal benefit society;
(H) a stipulated premium company;
(I) a nonprofit hospital, medical, or dental service corporation, including a company subject to Chapter 842; and
(J) a health maintenance organization.
(3) "Navigator" means an individual or entity performing the activities and duties of a
navigator as described by 42 U.S.C. Section 18031 or any regulation enacted under that
section.

Sec. 4154.003. APPLICABILITY OF OTHER LAW. Notwithstanding Section 101.051,
101.102, 4001.051, or 4001.101 or any other law, a navigator that satisfies the requirements of
this chapter may perform any duty or function authorized or required by this chapter or any
applicable federal law or regulation without obtaining a license from the department or any
other agency of this state.

Sec. 4154.004. EXEMPTIONS. This chapter does not apply to:
1. a licensed life, accident, and health insurance agent;
2. a licensed life and health insurance counselor; or
3. a licensed life and health insurance company.

Sec. 4154.005. RULES. The commissioner shall adopt rules necessary to implement this
chapter and to meet the minimum requirements of 42 U.S.C. Section 18031, including
regulations.

Sec. 4154.006. EXPIRATION OF CHAPTER. This chapter expires September 1, 2017.

SUBCHAPTER B. STANDARDS AND QUALIFICATIONS FOR NAVIGATORS

Sec. 4154.051. SUFFICIENCY OF FEDERAL QUALIFICATIONS. (a) The commis-
sioner shall determine whether the standards and qualifications for navigators provided by
42 U.S.C. Section 18031 and any regulations enacted under that section are sufficient to
ensure that navigators can perform the required duties, including:
1. assisting consumers in completing the uniform application for health coverage
affordability programs available through a health benefit exchange;
2. explaining how health coverage affordability programs work and interact, including
Medicaid, the children’s health insurance program, and advance premium tax credits and
cost-sharing assistance;
3. explaining health insurance concepts related to qualified health plans, including
premiums, cost-sharing, networks, and essential health benefits;
4. providing culturally and linguistically appropriate information;
5. avoiding conflicts of interest; and
6. establishing standards and processes relating to privacy and data security.

(b) If the commissioner determines that the standards provided by regulations enacted
under 42 U.S.C. Section 18031 are insufficient to ensure that navigators can perform the
required duties, the commissioner shall make a good faith effort to work in cooperation with
the United States Department of Health and Human Services and to propose improvements
to those standards. If after a reasonable interval the commissioner determines that the
standards remain insufficient, the commissioner by rule shall establish standards and
qualifications to ensure that navigators in this state can perform the required duties.

(c) At a minimum, rules adopted under this section must provide that a navigator in this
state has not:
1. had a professional license suspended or revoked;
2. been the subject of any other disciplinary action by a financial or insurance
regulator of this state, another state, or the United States; or
3. been convicted of a felony.

(d) The commissioner shall at regular intervals obtain from the health benefit exchange a
list of all navigators providing assistance in this state and, with respect to an individual, the
name of the individual’s employer or organization.

(e) The commissioner may by rule establish a state registration for navigators sufficient
to allow the department to ensure that navigators satisfy the standards provided by
Subsection (c) and collect the information described by Subsection (d).
Sec. 4154.052. LIMITS ON ADVERTISING. A navigator may not, in any advertisement or other materials that are published or distributed in any manner by or on behalf of the navigator:

(1) indicate or suggest the professional superiority of the navigator;
(2) indicate or suggest the performance of professional service by the navigator in a superior manner; or
(3) include one or more of the following phrases in the navigator's name or materials:
   (A) "insurance advisor" or "insurance advisory";
   (B) "insurance agent" or "insurance agency";
   (C) "insurance consultant" or "insurance counselor."

Sec. 4154.053. CERTAIN COMPENSATION PROHIBITED. A navigator may not receive compensation for services or duties as a navigator that are prohibited by federal law, including compensation from a health benefit plan issuer.

Sec. 4154.054. ADDITIONAL TRAINING REQUIREMENTS. The commissioner shall adopt rules authorizing additional training for navigators as the commissioner considers necessary to ensure compliance with changes in state or federal law.

SUBCHAPTER C. PROHIBITED ACTS

Sec. 4154.101. NAVIGATORS NOT LICENSED AS AGENTS. (a) Unless the navigator is licensed to act as an agent under Chapter 4054, a navigator may not:

(1) sell, solicit, or negotiate coverage under a health benefit plan;
(2) endorse a health benefit plan or group of health benefit plans;
(3) provide, or offer to provide, information or services related to insurance products not offered through a health benefit exchange;
(4) offer advice or advise consumers on which qualified health plan available through a health benefit exchange is preferable;
(5) accept any compensation that is wholly or partly dependent on whether a person enrolls in or purchases a health benefit plan; or
(6) in the course of acting as a navigator, engage in any electioneering activities or finance or otherwise support the candidacy of a person for an office in the legislative, executive, or judicial branch of state government, or of the government of the United States, or any political subdivision of this state.

(b) This section does not prohibit a navigator from providing information on public benefits and health coverage, or other information and services consistent with the mission of a navigator.

SECTION 2. This Act takes effect September 1, 2013.

Passed the Senate on April 22, 2013: Yeas 30, Nays 1; the Senate concurred in House amendment on May 24, 2013: Yeas 30, Nays 1; passed the House, with amendment, on May 22, 2013: Yeas 120, Nays 26, one present not voting.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 1237

S. B. No. 1806

AN ACT

relating to the Harrison County Court at Law.

Be it enacted by the Legislature of the State of Texas:

3120