

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 3901-5-13

**Rule Type:** Amendment

**Rule Title/Tagline:** Insurance navigator certification and agent exchange requirements.

**Agency Name:** Department of Insurance

**Division:**

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#### **I. Rule Summary**

- 1. Is this a five year rule review? Yes**
  - A. What is the rule's five year review date? 8/20/2018**
- 2. Is this rule the result of recent legislation? No**
- 3. What statute is this rule being promulgated under? 119.03**
- 4. What statute(s) grant rule writing authority? 3901.041, 3905.12, 3905.47, 3905.471**
- 5. What statute(s) does the rule implement or amplify? 3905.471**
- 6. What are the reasons for proposing the rule?**

This rule is being reviewed as part of the agency five year rule review.

- 7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule establishes procedures and requirements for the certification of insurance navigators as recognized by the department as both an individual and business entity. The Affordable Care Act established navigators as an entity to assist individuals in enrolling in health Center for Medicare and Medicaid Services plans through the federal exchange. Entities in Ohio are selected by the Center for Medicaid Services

and awarded federal grants to carry out navigator activities. Ohio Revised Code establishes the authority for the department to certify navigators, this rule lays out the process and requirements for certification. This rule also establishes the requirements for agents who sell health coverage on the exchange. One technical amendment is proposed which will reflect the most recent version of the Navigator application.

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**  
The citation is sufficient and intelligible and available on the internet.
- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

- 11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

The Navigator application requires a two hundred and fifty dollar initial application fee and a one hundred dollar renewal fee. Individuals also need to successfully complete a criminal background check at both the federal and state level. The department has furnished a list, on the department web site, of locations that do not charge additional processing fees and therefore, at these locations the total price for a background check would be seventy-one dollars per individual. Completion of the application will depend on the entity or individuals record keeping, as most of the information required should already be available to the applicant, this should take no longer than a few hours. Additional potential impacts include the costs and time associated with continuing

education, and potential late renewals, and time to prepare for examination. The rule impacts those who have been approved for funding from the federal government for the navigator program (i.e., nonprofits, local government groups).

The department maintains the licensing and enforcement divisions. This rule remains in effect without substantive amendment and will not increase costs to the department as a result of this rule filing.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

### **III. Common Sense Initiative (CSI) Questions**

15. **Was this rule filed with the Common Sense Initiative Office? Yes**
16. **Does this rule have an adverse impact on business? Yes**

- A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

This rule applies to certified navigators and licensed insurance agents authorized to sell health insurance.

- B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**

- C. **Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

A business entity insurance navigator must report any change in its name, address, email address, certified insurance navigators, officers, directors, and members or owners with ten per cent or more voting interest in the certified entity to the superintendent within thirty days of such change.