

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? 4/14/2023
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? 3905.471, 3905.47, 3905.12, 3901.041
5. What statute(s) does the rule implement or amplify? 3905.471
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule is being reviewed as a part of the agency five-year rule review.
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The purpose of this rule is to set forth procedures and requirements for the certification of insurance navigators as recognized by the department as both an individual and business entity, and the requirements for agents who sell health coverage on the exchange.

Proposed amendments will remove the bifurcated fee structure, delay the expiration date of the license to accommodate the timeline of CMS, and to reduce regulatory restrictions.

9. **Does the rule incorporate material by reference?** No
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

11. **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

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not applicable.

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

The Navigator entity 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.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not applicable.

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes
18. 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 sets forth procedures and requirements for the certification of insurance navigators as recognized by the department as both an individual and business entity, and the requirements for agents who sell health coverage on the exchange.

- 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

Paragraph (D)(7) 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.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

Removing the bifurcated fee structure would result in decreased expenses for applicable businesses.

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding to this rule? 0

B. How many existing regulatory restrictions do you propose removing from this rule? 19

(C)(2)(a) shall

(C)(2)(b) shall

(C)(2)(b) must

(C)(2)(c) shall

(C)(2)(d) shall

(D)(3) must

(D)(4) must

(D)(5) must

(D)(6) shall

(D)(7) must

(D)(8) must

(D)(9) must

(D)(11) must

(E)(1)(a) must

(E)(1)(b) must

(G)(1) required

(G)(1) shall

(H) shall not

(H) shall

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.
Not applicable.

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable