

# Senate Bill 356

Sponsored by Senator MONROE, Representative TOMEI; Senator SHIELDS, Representatives GALLEGOS, HOYLE  
(Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Specifies requirements and code of ethics for navigators for Oregon Health Insurance Exchange. Requires Oregon Health Insurance Exchange Corporation to adopt rules to implement requirements.

## A BILL FOR AN ACT

1  
2 Relating to navigator qualifications for the Oregon Health Insurance Exchange; creating new pro-  
3 visions; and amending ORS 741.002.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) As used in this section, "client" means an individual, family or employer**  
6 **who is enrolled in or seeking enrollment in a qualified health plan offered through the**  
7 **Oregon Health Insurance Exchange.**

8 **(2) The Oregon Health Insurance Exchange Corporation shall adopt by rule qualifications**  
9 **for the certification of navigators under ORS 741.002 (1)(j) that includes, but is not limited**  
10 **to, the following requirements:**

11 **(a) A certified navigator may not receive any financial benefit or other compensation**  
12 **from any person that employs or contracts with insurance producers to enroll individuals**  
13 **or groups in the health insurance exchange.**

14 **(b) A certified navigator shall disclose to every client, orally and in writing, whether and**  
15 **to what extent any member of the navigator's immediate family receives a financial benefit**  
16 **or other compensation from any person that employs or contracts with an insurance pro-**  
17 **ducer.**

18 **(c) Certified navigators shall have:**

19 **(A) Educational backgrounds or training that would demonstrate their ability to recog-**  
20 **nize the extent to which the structures and values of a culture may oppress, marginalize or**  
21 **alienate individuals or may create or enhance the privilege and power of individuals;**

22 **(B) The ability to eliminate the influence of personal biases and values in working with**  
23 **diverse groups;**

24 **(C) The ability to recognize and communicate an understanding of the importance of di-**  
25 **versity in shaping life experiences; and**

26 **(D) The ability to view themselves as learners and to engage the clients with whom the**  
27 **navigators work.**

28 **(3) The corporation shall adopt by rule a code of ethics for navigators that includes, but**  
29 **is not limited to, the following standards:**

30 **(a) A certified navigator may not participate in, condone or be associated with dishon-**  
31 **esty, fraud, deceit or misrepresentation.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1       **(b) A certified navigator may not misrepresent the navigator’s qualifications, education,**  
2 **experience or affiliations.**

3       **(c) A certified navigator must report to the corporation as soon as practicable, but not**  
4 **later than 10 days after:**

5       **(A) Being convicted of a misdemeanor or felony;**

6       **(B) Being arrested for a felony crime;**

7       **(C) Receiving notice of a civil lawsuit that names the navigator as a defendant and makes**  
8 **allegations related to the navigator’s duties as a navigator; or**

9       **(D) Being admitted to a hospital or day treatment facility for psychiatric treatment.**

10       **(d) If a certified navigator has reasonable cause to believe that another navigator has**  
11 **engaged in prohibited conduct, the navigator must report the conduct to the corporation**  
12 **without undue delay, but in no event later than 10 days after learning of the conduct.**

13       **(e) A certified navigator may not violate the trust of clients.**

14       **(f) A certified navigator may not work with clients in a manner that creates a risk of**  
15 **exploiting clients for financial gain.**

16       **(g) A certified navigator may not provide inappropriate or unnecessary services to cli-**  
17 **ents.**

18       **(h) A certified navigator must provide clients with accurate and complete information**  
19 **regarding the nature and extent of services available, including the risks, rights, opportu-**  
20 **nities and obligations associated with the provision of services.**

21       **(i) A certified navigator must seek consultation or make a referral whenever the con-**  
22 **sultation or referral may improve the provision of services and is in the best interest of the**  
23 **client.**

24       **(j) A certified navigator may not attempt to provide services to clients if the services are**  
25 **beyond the navigator’s area of competence, training and qualifications.**

26       **(k) A certified navigator must terminate services to a client when the services are no**  
27 **longer required or no longer meet the client’s needs or interests.**

28       **(L) A certified navigator must notify a client if the navigator anticipates the termination**  
29 **or interruption of services and must provide for transfer, referral or continuation of service**  
30 **in accordance with the client’s needs and preferences.**

31       **(m) A certified navigator must respect the privacy of clients and hold in confidence in-**  
32 **formation obtained in the course of contact between a client and the navigator.**

33       **(n) A certified navigator must inform clients fully about the limits of confidentiality.**

34       **SECTION 2.** ORS 741.002, as amended by section 1, chapter 38, Oregon Laws 2012, and section  
35 88, chapter 107, Oregon Laws 2012, is amended to read:

36       741.002. (1) The duties of the Oregon Health Insurance Exchange Corporation are to:

37       (a) Administer a health insurance exchange in accordance with federal law to make qualified  
38 health plans available to individuals and groups throughout this state.

39       (b) Provide information in writing, through an Internet-based clearinghouse and through a toll-  
40 free telephone line that will assist individuals and small businesses in making informed health in-  
41 surance decisions, including:

42       (A) The grade of each health plan as determined by the corporation and the grading criteria that  
43 were used;

44       (B) Quality and enrollee satisfaction ratings; and

45       (C) The comparative costs, benefits, provider networks of health plans and other useful infor-

1 mation.

2 (c) Establish and make available an electronic calculator that allows individuals and employers  
3 to determine the cost of coverage after deducting any applicable tax credits or cost-sharing re-  
4 duction.

5 (d) Using procedures approved by the corporation's board of directors and adopted by rule by  
6 the corporation under ORS 741.310, screen, certify and recertify health plans as qualified health  
7 plans according to federal and state standards and ensure that qualified health plans provide choices  
8 of coverage.

9 (e) Decertify or suspend, in accordance with ORS chapter 183, the certification of health plans  
10 that fail to meet federal and state standards in order to exclude them from participation in the ex-  
11 change.

12 (f) Promote fair competition of carriers participating in the exchange by certifying multiple  
13 health plans as qualified under ORS 741.310.

14 (g) Grade health plans in accordance with criteria established by the United States Secretary  
15 of Health and Human Services and by the corporation.

16 (h) Establish open and special enrollment periods for all enrollees, and monthly enrollment pe-  
17 riods for Native Americans in accordance with federal law.

18 (i) Assist individuals and groups to enroll in qualified health plans, including defined contribu-  
19 tion plans as defined in section 414 of the Internal Revenue Code and, if appropriate, collect and  
20 remit premiums for such individuals or groups.

21 (j) Facilitate community-based assistance with enrollment in qualified health plans by awarding  
22 grants to entities that are certified as navigators as described in 42 U.S.C. 18031(i) **and in accord-**  
23 **ance with rules adopted under section 1 of this 2013 Act.**

24 (k) Provide information to individuals and employers regarding the eligibility requirements for  
25 state medical assistance programs and assist eligible individuals and families in applying for and  
26 enrolling in the programs.

27 (L) Provide employers with the names of employees who end coverage under a qualified health  
28 plan during a plan year.

29 (m) Certify the eligibility of an individual for an exemption from the individual responsibility  
30 requirement of section 5000A of the Internal Revenue Code.

31 (n) Provide information to the federal government necessary for individuals who are enrolled in  
32 qualified health plans through the exchange to receive tax credits and reduced cost-sharing.

33 (o) Provide to the federal government:

34 (A) Information regarding individuals determined to be exempt from the individual responsibility  
35 requirement of section 5000A of the Internal Revenue Code;

36 (B) Information regarding employees who have reported a change in employer;

37 (C) Information regarding individuals who have ended coverage during a plan year; and

38 (D) Any other information necessary to comply with federal requirements.

39 (p) Take any other actions necessary and appropriate to comply with the federal requirements  
40 for a health insurance exchange.

41 (q) Work in coordination with the Oregon Health Authority, the Oregon Health Policy Board  
42 and the Department of Consumer and Business Services in carrying out its duties.

43 (2) The corporation may sue and be sued.

44 (3) The corporation may:

45 (a) Acquire, lease, rent, own and manage real property.

1 (b) Construct, equip and furnish buildings or other structures as are necessary to accommodate  
2 the needs of the corporation.

3 (c) Purchase, rent, lease or otherwise acquire for the corporation's use all supplies, materials,  
4 equipment and services necessary to carry out the corporation's duties.

5 (d) Sell or otherwise dispose of any property acquired under this subsection.

6 (e) Borrow money and give guarantees to finance its facilities and operations.

7 (4) Any real property acquired and owned by the corporation under this section shall be subject  
8 to ad valorem taxation.

9 (5) The corporation may not borrow money or give guarantees under subsection (3)(e) of this  
10 section unless the obligations of the corporation are payable solely out of the corporation's own  
11 resources and do not constitute a pledge of the full faith and credit of the State of Oregon or any  
12 of the revenues of this state. The State Treasurer and the State of Oregon may not pay bond-related  
13 costs for an obligation incurred by the corporation. A holder of an obligation incurred by the cor-  
14 poration does not have the right to compel the exercise of the taxing power of the state to pay  
15 bond-related costs.

16 (6) The corporation may adopt rules necessary to carry out its mission, duties and functions.  
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