

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0695.01 Kristen Forrestal x4217

HOUSE BILL 14-1134

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HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 CONCERNING THE REGISTRATION OF HEALTH CARE INSURANCE  
102 NAVIGATORS.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill creates the "Health Care Insurance Navigator Registration Act" that requires a person acting as a health care insurance navigator (navigator) to register with the division of registrations (division) within the department of regulatory agencies. In order for a person to act or hold himself or herself out as a navigator, the bill requires the person to meet

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

the following requirements:

- ! Submission of an application and fees as required by the director of the division (director);
- ! Completion of a high school diploma or general equivalency diploma;
- ! Completion of federally required training; and
- ! A determination that the person has not been convicted of a felony offense or a misdemeanor offense involving fraud or dishonesty as determined by federal and state criminal history record checks.

The bill requires the applicant for registration to submit his or her fingerprints to the Colorado bureau of investigation (CBI) and the CBI to forward the results of the background checks to the director. The bill allows the director to deny, suspend, or revoke the registration of a person if certain circumstances apply.

The bill requires an employer of a navigator to report to the director any event that results in the unauthorized release of a consumer's personally identifiable information. The director is required to annually report this information to the speaker of the house of representatives and president of the senate.

The bill allows persons who are acting as navigators at the time registration is required a 90-day period to register with the director.

The registration requirement is repealed, effective in 2024, subject to review by the department of regulatory agencies.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, **add** article 72 to title  
3 12 as follows:

4   **ARTICLE 72**

5   **Health Care Insurance Navigators**

6           **12-72-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY  
7 BE CITED AS THE "HEALTH CARE INSURANCE NAVIGATOR REGISTRATION  
8 ACT".

9           **12-72-102. Definition.** AS USED IN THIS ARTICLE:

10           (1) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF  
11 REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES.

1           (2) "HEALTH CARE INSURANCE NAVIGATOR" MEANS A PERSON WHO  
2 IS SELECTED TO PERFORM THE ACTIVITIES AND DUTIES IDENTIFIED IN 42  
3 U.S.C. SEC. 18031 (i), AND INCLUDES ANY PERSON WHO RECEIVES GRANT  
4 MONEYS FROM THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN  
5 SERVICES, THE STATE OF COLORADO, A HEALTH CARE EXCHANGE, OR A  
6 PRIVATE ENTITY TO PERFORM ANY OF THE ACTIVITIES OR DUTIES  
7 IDENTIFIED IN 42 U.S.C. SEC. 18031 (i).

8           **12-72-103. Health care insurance navigators - registration -**  
9 **criminal history record check - reporting.** (1) EXCEPT AS PROVIDED IN  
10 SUBSECTION (7) OF THIS SECTION, A PERSON SHALL NOT ACT AS OR HOLD  
11 HIMSELF OR HERSELF OUT TO BE A HEALTH CARE INSURANCE NAVIGATOR  
12 UNLESS THE PERSON REGISTERS WITH THE DIVISION. TO QUALIFY FOR  
13 REGISTRATION, THE PERSON MUST:

14           (a) SUBMIT AN APPLICATION FOR REGISTRATION AND PAY A  
15 REGISTRATION FEE IN THE FORM AND THE AMOUNT PRESCRIBED BY THE  
16 DIRECTOR;

17           (b) HAVE RECEIVED A HIGH SCHOOL DIPLOMA OR A GENERAL  
18 EQUIVALENCY DIPLOMA;

19           (c) SUCCESSFULLY COMPLETE ALL FEDERALLY REQUIRED  
20 TRAINING; AND

21           (d) NOT HAVE BEEN CONVICTED OF A FELONY OFFENSE OR A  
22 MISDEMEANOR OFFENSE INVOLVING FRAUD OR DISHONESTY, AS  
23 DETERMINED BY THE CRIMINAL HISTORY RECORD CHECK REQUIRED IN  
24 SUBSECTION (2) OF THIS SECTION.

25           (2) (a) BEFORE SUBMITTING AN APPLICATION FOR REGISTRATION,  
26 A PERSON SHALL SUBMIT A SET OF FINGERPRINTS TO THE DIRECTOR. THE  
27 DIRECTOR SHALL FORWARD THE FINGERPRINTS TO THE COLORADO BUREAU

1 OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A STATE AND  
2 NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
3 UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND  
4 THE FEDERAL BUREAU OF INVESTIGATION. THE PERSON SHALL PAY TO THE  
5 COLORADO BUREAU OF INVESTIGATION THE COSTS ASSOCIATED WITH  
6 CONDUCTING THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.  
7 UPON COMPLETION OF THE CRIMINAL HISTORY RECORD CHECK, THE  
8 BUREAU SHALL FORWARD THE RESULTS TO THE DIRECTOR. THE DIRECTOR  
9 MAY ACQUIRE A NAME-BASED CRIMINAL HISTORY RECORD CHECK FOR A  
10 PERSON WHO HAS TWICE SUBMITTED TO A FINGERPRINT-BASED CRIMINAL  
11 HISTORY RECORD CHECK AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE.

12 (b) THE DIRECTOR SHALL NOT ISSUE A REGISTRATION TO A PERSON  
13 IF THE PERSON HAS BEEN CONVICTED OF A FELONY OFFENSE OR OF A  
14 MISDEMEANOR OFFENSE INVOLVING FRAUD OR DISHONESTY.

15 (3) THE DIRECTOR MAY DENY, REVOKE, OR SUSPEND A PERSON'S  
16 HEALTH CARE INSURANCE NAVIGATOR REGISTRATION IF:

17 (a) THE PERSON IS CHARGED WITH A FELONY OR A MISDEMEANOR  
18 OFFENSE INVOLVING FRAUD OR DISHONESTY;

19 (b) THE DIRECTOR RECEIVES A CREDIBLE REPORT THAT THE  
20 HEALTH CARE INSURANCE NAVIGATOR PROVIDED FALSE OR FRAUDULENT  
21 INFORMATION TO CONSUMERS; OR

22 (c) THE HEALTH CARE INSURANCE NAVIGATOR ENGAGED IN  
23 INTENTIONAL OR NEGLIGENT CONDUCT THAT RESULTED IN THE RELEASE  
24 OF A CONSUMER'S PERSONALLY IDENTIFIABLE INFORMATION AS REPORTED  
25 TO THE DIRECTOR PURSUANT TO SUBSECTION (4) OF THIS SECTION.

26 (4) AN ENTITY THAT EMPLOYS ONE OR MORE HEALTH CARE  
27 INSURANCE NAVIGATORS SHALL REPORT TO THE DIRECTOR ANY EVENT

1 THAT RESULTS IN THE UNAUTHORIZED RELEASE OF A CONSUMER'S  
2 PERSONALLY IDENTIFIABLE INFORMATION. THE ENTITY SHALL ATTEMPT TO  
3 REPORT THE UNAUTHORIZED RELEASE OF PERSONALLY IDENTIFIABLE  
4 INFORMATION TO THE PERSON WHOSE PERSONALLY IDENTIFIABLE  
5 INFORMATION WAS RELEASED WITHIN TWENTY-FOUR HOURS AFTER  
6 DISCOVERING THE RELEASE OF INFORMATION. THE DIRECTOR SHALL  
7 SUBMIT A REPORT TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES  
8 AND THE PRESIDENT OF THE SENATE ON OR BEFORE FEBRUARY 1 OF EACH  
9 YEAR THAT DETAILS THE NUMBER OF UNAUTHORIZED RELEASES OF  
10 PERSONALLY IDENTIFIABLE INFORMATION AND THE CIRCUMSTANCES OF  
11 EACH RELEASE. THIS REPORTING REQUIREMENT DOES NOT EXPIRE,  
12 NOTWITHSTANDING SECTION 24-1-136 (11), C.R.S.

13 (5) A HEALTH CARE INSURANCE NAVIGATOR SHALL NOT SELL,  
14 SOLICIT, OR NEGOTIATE INSURANCE WHEN ASSISTING CONSUMERS WITH  
15 ENROLLMENT OR PERFORMING ANY OTHER HEALTH CARE INSURANCE  
16 NAVIGATOR ACTIVITIES OR DUTIES THROUGH A FEDERAL OR STATE HEALTH  
17 CARE EXCHANGE.

18 (6) THE DIRECTOR SHALL MAINTAIN A LIST OF CURRENTLY  
19 REGISTERED HEALTH CARE INSURANCE NAVIGATORS ON THE DIVISION OF  
20 REGISTRATION'S WEB SITE.

21 (7) A PERSON WHO IS ACTING AS A HEALTH CARE INSURANCE  
22 NAVIGATOR ON THE EFFECTIVE DATE OF THIS ARTICLE MUST REGISTER  
23 WITH THE DIRECTOR WITHIN NINETY DAYS AFTER THE EFFECTIVE DATE OF  
24 THIS ARTICLE IN ORDER TO CONTINUE TO ACT AS A HEALTH CARE  
25 INSURANCE NAVIGATOR.

26 **12-72-104. Repeal of article.** THIS ARTICLE IS REPEALED,  
27 EFFECTIVE SEPTEMBER 1, 2024. PRIOR TO THE REPEAL, THE REGISTRATION

1 OF HEALTH CARE INSURANCE NAVIGATORS MUST BE REVIEWED IN  
2 ACCORDANCE WITH SECTION 24-34-104, C.R.S.

3 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **add** (55)  
4 (f) as follows:

5 **24-34-104. General assembly review of regulatory agencies**  
6 **and functions for termination, continuation, or reestablishment.**

7 (55) The following agencies, functions, or both, terminate on September  
8 1, 2024:

9 (f) THE REGISTRATION OF HEALTH CARE INSURANCE NAVIGATORS  
10 PURSUANT TO ARTICLE 72 OF TITLE 12, C.R.S.

11 **SECTION 3. Act subject to petition - effective date.** This act  
12 takes effect at 12:01 a.m. on the day following the expiration of the  
13 ninety-day period after final adjournment of the general assembly (August  
14 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a  
15 referendum petition is filed pursuant to section 1 (3) of article V of the  
16 state constitution against this act or an item, section, or part of this act  
17 within such period, then the act, item, section, or part will not take effect  
18 unless approved by the people at the general election to be held in  
19 November 2014 and, in such case, will take effect on the date of the  
20 official declaration of the vote thereon by the governor.