

Sixty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2138

Introduced by

Senator O. Larsen

Representative Kasper

1 A BILL for an Act to create and enact a new section to chapter 26.1-02 of the North Dakota
2 Century Code, relating to certification of assisters for health benefit exchanges; to amend and
3 reenact subdivision mm of subsection 2 of section 12-60-24 of the North Dakota Century Code,
4 relating to criminal history background checks; and to provide a penalty.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Subdivision mm of subsection 2 of section 12-60-24 of the
7 North Dakota Century Code is amended and reenacted as follows:

8 mm. The insurance department for criminal history record checks authorized under
9 section 2 of this Act or chapter 26.1-26.

10 **SECTION 2.** A new section to chapter 26.1-02 of the North Dakota Century Code is created
11 and enacted as follows:

12 **Health benefit exchange - Assisters - Penalty.**

13 1. As used in this section:

14 a. "Assister" means an individual who for compensation, or for a business entity that
15 receives compensation for this service, provides information or services in
16 connection with eligibility, enrollment, or program specifications of an exchange.
17 The term includes an individual selected to perform the activities and duties of a
18 navigator as identified in 42 U.S.C. 18031(i) in this state, an individual who
19 receives funds from the United States department of health and human services
20 to perform any of the activities and duties of a navigator as identified in 42 U.S.C.
21 18031(i), or any other individual certified by the United States department of
22 health and human services or an exchange to perform such defined or related
23 duties, regardless of whether the individual is identified as a navigator, certified
24 application counselor, in-person assister, or other title.

- 1 b. "Exchange" means a health benefit exchange established or operated in this
2 state, including a health benefit exchange established or operated by the United
3 States department of health and human services.
- 4 2. An individual may not perform, offer to perform, or advertise services as an assister in
5 this state, nor may an individual receive assister funding from the state, federal
6 government, or an exchange unless that individual is certified by the department as
7 provided under this section.
- 8 3. The following are exempt from the requirements of this section:
- 9 a. An individual licensed under chapter 26.1-26;
10 b. An attorney licensed to practice in this state; and
11 c. A health care provider performing activities or functions related to advising,
12 assisting, or counseling patients regarding private or public coverage of financial
13 matters related to medical treatments or government assistance programs, if the
14 health care provider does not receive any funds from the United States
15 department of health and human services or from an exchange as compensation
16 to act as a navigator.
- 17 4. An applicant for certification under this section shall apply to the insurance department
18 on a form developed by the department and shall pay fees associated with the
19 application.
- 20 5. Upon receipt of a completed application and fees for certification as an assister under
21 this section, the insurance department shall issue the applicant a certificate if the
22 applicant is an individual who:
- 23 a. Is at least eighteen years of age;
24 b. Resides in this state or performs assister services for a business entity located in
25 this state;
26 c. Meets additional requirements established by the insurance department;
27 d. Identifies a business entity with which the applicant is affiliated and may be
28 supervised in the performance of assister services;
29 e. Submits to a statewide and nationwide criminal history record check and pays
30 costs associated with obtaining the background check; and
31 f. Is of good moral character.

- 1 6. A business entity may not employ or otherwise use the services of an assister unless
2 the individual is certified under this section.
- 3 7. A certificate issued under this section is valid for two years. A certified assister may file
4 an application for renewal of a certificate and shall pay the renewal fee set by the
5 insurance department. If an assister fails to file a timely application for renewal, the
6 insurance department may charge a late fee in an amount established by the
7 insurance department.
- 8 8. For good cause, the insurance department may suspend, revoke, or refuse to issue a
9 certificate under this section.
- 10 9. A person willfully violating this section is guilty of an infraction.