



## PIA & ObamaCare Navigators

The U.S. Department of Health and Human Services (HHS) released the long anticipated Final Rule on healthcare navigators last week. It doesn't look much different than the proposed rules sent out in April.

The document covers an array of topics ranging from public comments to conflict-of-interest claims and fraud potential. It also notes that if a licensed insurance agent wishes to become a navigator, the agent must be licensed/certified as a navigator.

An insurance license — by itself — is not sufficient to let a person serve as a navigator.

PIA has long voiced concerns about a lack of controls for navigators. The association sees much potential for fraud, ID theft and other abuse by navigators. Other groups and state insurance commissioners have expressed concerns as well.

Here's what happens. The Final Rule confirms that navigators will have access to personally identifiable information (PII). What it does not do is establish proper safeguards. Instead, HHS says that it "does not expect" navigators to retain the PII, and notes that navigators "generally" will not have access to such information when the consumer is not present.

HHS then adds that should fraud occur, the agency will take appropriate action. What the HHS doesn't say is what action will be taken or what enforcement authority will be exercised.

Guess we'll all have to stay tuned.

***Here's PIA National's final take on the Final Rule: "Despite issuing its Final Rule, HHS has yet to address all of PIA's concerns regarding healthcare navigators."***

Missouri isn't wowed at all by the HHS thoughts on what a navigator should or should not be and what kind of training they ought to have. Governor Jay Nixon signed a bill into law on July 12th that requires insurance navigators to obtain state licenses before they can start assisting consumers seeking to buy insurance on the state's insurance exchange.

The law prohibits navigators from receiving federal funds until they are licensed by the state. Missouri laws say they can be required to post a bond, pay a fee and take ongoing training.

Critics dispute the need for state training because navigators are required to take a 30-hour federally required training course and pass an exam, but insurance agents and brokers say the law will discourage unscrupulous counselors and ensure information is correctly disseminated.

Larry Case who is the executive vice president of the PIA affiliate, the Missouri Association of Insurance Agents (MAIA) doesn't understand the opposition. "To me, it's just common-sense consumer protection."

In remarks to the ***St. Louis Post-Dispatch***, Case said the whole idea of licensing is to prevent fraud. In determining eligibility for federal subsidies, the navigators will have access to consumers' tax records, and "that's just ripe for ID theft," he added.

On July 13th, PIA filed comments with the National Association of Insurance Commissioners (NAIC) Producer Licensing Task Force, recommending that strict standards be adopted governing healthcare navigators.

In its remarks, PIA noted: "At this critical juncture in the healthcare market, now is not the time to gamble with consumer protections. Agents and brokers have been relied on for generations because consumers trust them and value their sound advice. We therefore support approaches that continue to utilize the expertise of professional insurance agents."