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**HOUSE BILL NO. 770**

Offered January 8, 2014

Prefiled January 7, 2014

*A BILL to amend and reenact § 38.2-3456 of the Code of Virginia, relating to health benefit exchange navigators; character and reputation for honesty; background check requirements.*

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Patrons—Hugo and Ransone

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Referred to Committee for Courts of Justice**Be it enacted by the General Assembly of Virginia:****1. That § 38.2-3456 of the Code of Virginia is amended and reenacted as follows:****§ 38.2-3456. Prohibited activities.**

A. A navigator shall not:

1. Engage in any activity that would require an insurance agent license under this title;
2. Offer advice about which qualified health plan or qualified dental plan is better or worse for a particular individual or employer;
3. Act as an intermediary between an employer and an insurer that offers a qualified health plan or qualified dental plan offered through an exchange; or
4. Violate any unfair trade practice and privacy requirements in §§ 38.2-502, 38.2-503, 38.2-506, 38.2-509, 38.2-512, 38.2-515, 38.2-612.1, 38.2-613, and 38.2-614 to the extent such requirements are applicable to the activities of navigators.

B. An individual or entity shall not claim to be, or otherwise hold himself or itself out as, a navigator or conduct business as a navigator in the Commonwealth without (i) having been selected as a navigator in accordance with applicable federal law ~~and without~~; (ii) having evidence of successful completion of all navigator requirements prescribed by the Secretary; (iii) *submitting to the Commission information regarding the individual or entity's character and reputation for honesty, which shall include the same information, including background check requirements, that is required to be submitted by applicants for licensure as insurance agents pursuant to § 38.2-1819; and (iv) receiving notice of a determination by the Commission that the individual or entity is of good character and has a good reputation for honesty. In making a determination pursuant to clause (iv), the Commission shall apply the same criteria as it applies in making a determination regarding the character and reputation for honesty that it applies to applicants for licensure under § 38.2-1820.*

C. If an individual or entity has engaged in the Commonwealth in one or more of the prohibited activities identified in this section, a complaint may be filed with the Commission. The Commission, upon investigation and verification of the prohibited activity or activities, may order such individual or entity to cease and desist such prohibited conduct.

INTRODUCED

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