

# SENATE BILL REPORT

## SB 6354

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As of February 3, 2014

**Title:** An act relating to ensuring that navigators associated with the health benefit exchange protect private health care information.

**Brief Description:** Concerning protection of health care information in the health benefit exchange related to navigators.

**Sponsors:** Senators Dammeier, Rivers and Keiser.

**Brief History:**

**Committee Activity:** Health Care: 2/03/14.

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### SENATE COMMITTEE ON HEALTH CARE

**Staff:** Kathleen Buchli (786-7488)

**Background:** The Affordable Care Act requires marketplaces such as the Washington Health Benefit Exchange (Exchange) to establish a navigator program to help consumers understand new coverage options and find the most affordable coverage that meets their health care needs. The Exchange establishes in-person assisters and certified application counselors to fill this role. In-person assisters are trained to provide individuals, families and small businesses in Washington State with impartial information to help them determine which health insurance option best fit their needs; identify eligibility for reduced premiums and assist in completing applications and enrollment through in-person meetings, phone calls, or interactive electronic communication; and offer tailored support for those with cultural, linguistic, disability-related, or other special needs. Certified application counselors also are trained to provide information to consumers and facilitate enrollment in Qualified Health Plans and Washington Apple Health programs.

Navigators must be certified by the Exchange after successfully passing a certification exam. They must disclose any relationships they have with qualifying health plans and the Exchange; act in the best interest of the consumer and not steer or advise a consumer to select a particular plan; comply with nondiscrimination, privacy, and security standards established by the Exchange; refer individuals with cultural, language, or disability-related needs to other consumer assistance resources if the individual cannot be served directly; and provide assistance at no cost to consumers. Navigators must sign confidentiality and non-

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disclosure agreements and agree to comply with a code of ethics that requires them to maintain their duty to the consumer.

**Summary of Bill:** Navigators may not request health care information from any person seeking their services. Navigators who receive health care information may not disclose the information and must destroy this information. If health care information is disclosed by the navigator, the navigator must inform the person of the disclosure within five business days of discovery of the disclosure.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill is narrowly crafted to address navigators and to permit them to get the information necessary for their work. We are concerned that there are not specific statutes that relate to the confidentiality requirements of navigators. Although navigators are certified by the Exchange, there are not statutory elements to their contracts. It is appropriate to have statutory structures that govern navigators' practices in place.

CON: We are concerned about the impact this will have on in-person assisters. These people are an essential part of the process in getting people to sign up for programs through the Exchange. They need to know which plans cover the needs of the client and that requires disclosure of some health care information. Navigators are trained for 40 hours and are subject to confidentiality provisions of the Exchange and the Health Information Portability and Accountability Act. We need to ask certain health care questions to help the consumer find the correct plan.

**Persons Testifying:** PRO: Mel Sorensen, WA Assn. of Health Underwriters, National Assn. of Insurance and Financial Advisors, Professional Insurance Agents.

CON: Kate White Tudor, WA Assn. of Community and Migrant Health Centers; Maya Berkowitz, Neighborcare Community Health Services.