

**NAVIGATOR  
INFORMATION  
AND  
REGISTRATION  
GUIDE**

**AUGUST 1, 2014**

## NAVIGATOR INFORMATION AND REGISTRATION GUIDE

Virginia Code § 38.2-3455 defines a navigator as

*“... an individual or entity described in 42 U.S.C. § 1311(i)(2) that is selected to perform the activities and duties identified in 42 U.S.C. § 18031(i) in the Commonwealth. Navigator does not include an individual or entity licensed as an agent under Chapter 18 (§ 38.2-1800 et seq.) of this title to sell, solicit, or negotiate contracts of insurance or annuity in the Commonwealth.”*

Legislation enacted by the 2014 Virginia General Assembly (House Bill 1043/Senate Bill 542), among other things, prohibits an individual or entity from acting as a navigator in the Commonwealth, on or after September 1, 2014, “...unless such individual or entity has been certified by the U.S. Department of Health and Human Services (“HHS”) and registered with the Commission. Navigator registrations will be processed by the Commission’s Bureau of Insurance.

In accordance with Virginia Code § 38.2-3459, a navigator’s registration shall terminate immediately when the navigator becomes decertified by HHS, whether or not the Commission has been notified of such decertification.

### **Prohibited Activities (Virginia Code § 38.2-3456):**

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; or
5. Receive compensation for services or duties as a navigator that are prohibited by federal law, including compensation from a health carrier.

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:

1. Having been selected as a navigator in accordance with applicable federal law;

2. Having evidence of successful completion of all navigator requirements prescribed by the Secretary; and
3. Having met requirements established pursuant to § 38.2-3457.

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.

### **Registration Requirements for ALL Individuals and Business Entities**

**All applicants** must have been certified by the U.S. Department of Health and Human Services (“HHS”).

**Applicants** must apply through Siron’s Compliance Express (“CX”). Visit [www.scc.virginia.gov/boi](http://www.scc.virginia.gov/boi) to submit the electronic registration.

Applicants should upload all attachments, including the criminal history record report (“CHRR”), and submit them with the electronic registration. This is the most efficient and secure way for the Bureau to receive and process registrations and eliminates the need to fax/email documents. If the Bureau does not receive the CHRR and any required supporting documents within 30 calendar days from the receipt of the registration, the registration will be closed and the applicant will be required to re-register and pay the registration fee again.

**Individual** applicants residing in Virginia are required to obtain a current CHRR from the Virginia State Police (“VSP”). If the applicant fails to provide a current CHRR (no more than 90 days old), the Bureau will refuse registration. Visit [www.vsp.state.va.us](http://www.vsp.state.va.us) to download the form (SP-167). When completing the form, have the report mailed back to the applicant; not to the Bureau. Attach the completed report to the registration.

**Individual** applicants not residing in Virginia are required to obtain a current CHRR (no more than 90 days old) from their home state of residence. Attach the completed report to the registration.

### **MISCELLANEOUS**

#### **I. Address Changes**

Every registered navigator must notify the Bureau within 30 calendar days of any change of residence. Visit <http://scc.virginia.gov/boi/online.aspx> to update your address. Siron must be used to make a change in the business entity’s (agency) address. **DO NOT USE A COMPANY OR ANY BUSINESS ADDRESS (INCLUDING PO BOX) AS THE INDIVIDUAL NAVIGATOR’S RESIDENCE OR MAILING ADDRESS.**

## **II. Name Changes**

A registered navigator must notify the Bureau in writing within 30 calendar days of any name change by downloading and properly completing the Bureau's Service Request Form (5001) at <http://scc.virginia.gov/boi/pro/formapp.aspx>.

A copy of the marriage certificate, divorce decree (if the decree states the change from married name to maiden name), or court order is required. Please include the Virginia Registration Number or National Producer Number (NPN) with the request. The navigator must sign the request.

## **III. Navigator Decertification**

A registered navigator is required by law to report to the Bureau within 30 calendar days any action taken by the U.S. Department of Health and Human Services to decertify the navigator.

## **IV. Felony Conviction**

A registered navigator is required by law to report to the Bureau upon conviction of a felony, the facts and circumstances surrounding that conviction. This report shall include a copy of the order and other relevant legal documents.

## **V. Administrative Actions**

A registered navigator is required by law to report to the Bureau within 30 calendar days of the final disposition of the matter of any administrative action taken against him in another jurisdiction or by another governmental agency in the Commonwealth. Such report shall include a copy of the order, consent order, or other relevant legal documents.

The above information is not intended to be all-inclusive. If you have any questions or problems not addressed here, please contact the Bureau at [bureauofinsurance@scc.virginia.gov](mailto:bureauofinsurance@scc.virginia.gov) or visit our website shown below.

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P. O. Box 1157  
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