



Texas Department of Insurance

Financial Regulation Division – General Management, Mail Code 305-2A
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September 20, 2013

The Honorable Kathleen Sebelius
U.S. Department of Health Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Sebelius:

The Texas Department of Insurance has received letters from interested parties raising concerns about regulation of the navigators who will be helping Texas consumers enroll into health plans in the federal exchange. Additionally, our review of the current federal regulations has identified significant potential consumer protection, education, and privacy issues.

Texas Insurance Code Chapter 4154, which was adopted during the recent Texas legislative session and which became effective on September 1, 2013, requires the Texas commissioner of insurance to determine whether federal standards and qualifications for navigators are sufficient to ensure that navigators can perform their duties. If the federal standards are insufficient, the commissioner must work with the U.S. Department of Health and Human Services to improve the federal standards or adopt state standards and qualifications to ensure that navigators in Texas can perform their required duties.

To assist the commissioner in making the assessment required by Chapter 4154, TDI will hold a stakeholder meeting on Monday, September 30, 2013. The meeting will also be webcast, for interested parties who are unable to attend the meeting in person. TDI will take written comments electronically before the meeting and will take stakeholder comments during the meeting. A copy of the meeting notice with details on when and where it will occur is attached.

I would like to invite you to participate in the meeting in order to hear and respond to Texas stakeholders' concerns regarding navigators. I hope that HHS will listen to the issues raised and you will consider addressing them in federal regulations.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Walker".

Dr. Jamie Walker,
Associate Commissioner, Licensing Services Section

Informal Meeting Relating to the Development of Rules to Implement SB 1795 (83rd Texas Legislature, Regular Session) Concerning Navigators for Health Benefit Exchanges.

Input Requested by September 27, 2013

The Texas Department of Insurance is currently determining the scope of rules to implement SB 1795, which created Insurance Code Chapter 4154. The department has scheduled an informal stakeholder meeting to discuss SB 1795 and rule development.

TDI invites your input on the rule development and implementation strategy for SB 1795, which provides for state regulation of navigators, including matters TDI should address in the rule. This is an informal request for preliminary information and not a formal publication for rulemaking.

If you would like to submit your input electronically (via email), please send it to Jamie Walker, associate commissioner, Licensing Services Section at NavigatorRegistration@tdi.texas.gov by 5:00 p.m. on September 27, 2013.

Stakeholder Meeting, September 30, 2013

TDI has also scheduled a stakeholder meeting to discuss the implementation of SB 1795 and rule development. TDI is especially interested in stakeholder input relating to:

1. Registration of navigators
2. Training of navigators
3. Background checks of navigators
4. Safeguards to protect consumer privacy, and
5. Continuing education requirements for navigators.

The informal stakeholder meeting will be held from 9 a.m. – 1 p.m. on Monday, September 30, 2013, in Room 100 of the William P. Hobby, Jr., State Office Building, 333 Guadalupe Street, Austin, Texas.

TDI has arranged to webcast the meeting so that those unable to attend in person can listen to the meeting remotely. Please go to <mms://tdimss.tdi.texas.gov/tdi/tdi.aspx> a few minutes before the webcast is scheduled to begin. Audio webcasts will be live shortly before the meeting commences.

Thank you for your interest and assistance in this process. For more information, please contact Jamie Walker, associate commissioner, Licensing Services Section, at 512-305-6797, or by email at NavigatorRegistration@tdi.texas.gov.