

BEFORE THE COMMISSIONER OF INSURANCE

STATE OF GEORGIA

IN THE MATTER OF:

REGULATION 120-2-3
NAVIGATORS

)
)
)
)
)

DOCKET NUMBER I-13-I-6

ORDER

I. STATEMENT OF PROCEEDINGS

On June 27, 2013, Notice of Intent to Adopt Rule Changes and Notice of Hearing was given regarding the following proposed regulatory actions (Record, Exhibit 1):

- Amending Regulation 120-2-3-.08 entitled "Prelicensing Course and Provider Approval"
- Repealing Regulation 120-2-3-.48 entitled "Violations" and adopting in lieu thereof 120-2-3-.48 entitled "Navigator"
- Repealing Regulation 120-2-3-.49 entitled "Severability" and adopting in lieu thereof Regulation 120-2-3-.49 entitled "Violations"
- Adding Regulation 120-2-3-.50 entitled "Severability."

By letter dated July 18, 2013, the Office of the Attorney General opined that the proposed regulatory actions are within this office's scope of authority (Record, Exhibit 5). Pursuant to O.C.G.A. Section 50-13-4(e), the proposed regulatory changes were transmitted to Wayne R. Allen, Legislative Counsel for the General Assembly, for assignment to the appropriate standing committees of the Senate and House of Representatives (Record, Exhibit 6) and were assigned accordingly (Record, Exhibit 7).

The Commissioner determined that the use of a non-emergency regulation in this matter, standing alone, would not provide enough time for a sufficient number of navigators to become licensed by the October 1, 2013, inception of the federally operated health insurance exchange.

Consequently, he chose to issue an emergency version of the Regulation. Accordingly, on July 3, 2013, Notice of Emergency Rulemaking (effective upon issuance) was given (Record, Exhibit 9).

II. CONSIDERATION OF ALL COMMENTS OFFERED AT THE HEARING

Interested persons were given the opportunity to participate in the rulemaking by submitting their written comments to the Georgia Department of Insurance (the "Department") by July 26, 2013, and by making oral comments at the public hearing held July 30, 2013. No written comments were offered. Tammy Holmes, Director of the Agent Licensing Division of the Department, spoke in favor of the regulation (Transcript, pp. 7-10). According to Ms. Holmes, the regulations are necessary to implement recent changes to Georgia law [H.B. 198, codified at O.C.G.A. Section 33-23-200 *et seq.*]. The regulations establish state requirements for navigator licensure, including the state portion of navigator pre-licensing education, a finger print requirement, proof of affiliation with an entity approved to receive navigator grant monies and other requirements. Edward Emmett of the Georgia Insurance Agents Alliance (Transcript, pp. 11-17), Ron Thomas of Thomas Training Associates (Transcript, pp. 18-19) and Cindy Zeldin of Georgians for a Healthy Future (Transcript, pp. 20-23) each spoke regarding the regulation and none voiced opposition.

III. DECISION

WHEREAS, the Commissioner finds persuasive the comments offered by Ms. Holmes regarding the need for the regulation, and **WHEREAS**, no comments were offered in opposition,

IT IS HEREBY ORDERED that the regulation, a copy of which is attached hereto and made a part by reference, is **HEREBY ADOPTED**.

Given under my Hand and Seal this 15th day of October, 2013.

A handwritten signature in black ink, appearing to read "Ralph T. Hudgens", written over a horizontal line.

RALPH T. HUDGENS
INSURANCE AND SAFETY FIRE COMMISSIONER
STATE OF GEORGIA