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Interim Certification of Health Insurance Navigators

The federal Affordable Care Act (ACA) provides for the establishment of health insurance Exchanges in each state, also known as Marketplaces, to facilitate the purchase of qualified health plans. The ACA also provides for each Exchange to engage entities and personnel known as "navigators" to assist individuals and small employers in purchasing and enrolling in qualified health plans.

Pursuant to 24-A M.R.S.A. § 2188, no individual may act in the capacity of a navigator unless the individual is either licensed as an insurance producer, or certified as a navigator in accordance with rules to be adopted by the Superintendent. However, the Legislature has adopted significant amendments to Section 2188 which change the standards for certification and the substantive requirements for navigators in Maine.[1] Those amendments do not take effect until October 9, 2013, and the Superintendent will not be adopting the rule establishing the certification program until after that date.

In the meantime, the Maine health insurance Exchange is scheduled to become operational on October 1, 2013, and will need to have qualified navigators available by that date. The Exchange has already undertaken measures to evaluate and train individuals who will be acting as navigators in Maine.

Therefore, as of October 1, 2013, all individuals who are or thereafter become approved by the Maine Exchange as qualified to perform navigator duties, and are acting as or acting on behalf of recipients of Navigator grants from the Maine Exchange, are hereby certified to act as individual navigators in Maine, on an interim basis pending the adoption of the Navigator Certification Rule.

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[1] An Act To Clarify Certification of Navigators and the Availability of Regional Health Plans, P.L. 2013, ch. 388 (L.D. 1094).

An individual receiving interim certification under this Bulletin shall have thirty days after the effective date of the Rule, or such other period as may be specified in the Rule, to apply for certification under the Rule. Until the end of that transition period, and while a timely application for certification remains pending, his or her interim certification shall remain in effect for as long as the individual remains federally approved and affiliated with a navigator entity under contract with the Maine Exchange, unless the interim certification is suspended or revoked by the Superintendent as specified in 24 A M.R.S.A. § 2188(6).

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