
Emergency Rules

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 400—Life, Annuities and Health
Chapter 11—Navigators**

EMERGENCY RULE

**20 CSR 400-11.140 Renewal Applications and Fees—Individual
Navigators and Entity Navigators**

PURPOSE: This rule prescribes the license renewal application process and fees for individual navigators and entity navigators. All forms referenced in this regulation may be accessed at the department's website at www.insurance.mo.gov.

*EMERGENCY STATEMENT: After sections 376.2000 through 376.2014, known as the "Health Insurance Marketplace Innovation Act" (HIMIA) became law on July 12, 2013, but before the promulgation of a rule regarding renewal requirements for individual navigators and entity navigators, the United States District Court, Western District of Missouri, issued a preliminary injunction on January 23, 2014 enjoining the statutes' enforcement by the Director of the Missouri Department of Insurance, Financial Institutions and Professional (department) of HIMIA. *St. Louis Effort for AIDS, et al. v. Director John Huff*, in his official capacity as Director of the Department, U.S.D.Ct., W.D., No. 2:13-cv-4246. On April 10, 2015, the Eighth Circuit Court of Appeals affirmed the preliminary injunction as to enforcement of certain provisions within HIMIA, vacated the preliminary injunction regarding the enforcement of the licensure renewal statutes and rulemaking authority in HIMIA, and remanded the case to the district court. *St. Louis Effort for AIDS, et al. v. Director John M. Huff* in his official capacity as Director of the Department, 782 F.3d 1016 (8th Cir. 2015). On May 26, 2015, the district court issued its order recognizing that the Eighth Circuit Court of Appeals issued its mandate on May 6, 2015, and ordered the case to proceed. The district court's order did not enjoin the director's enforcement of the licensure renewal provisions or rulemaking authority in HIMIA. *St. Louis Effort for AIDS, et al. v. Director John Huff*, in his official capacity as Director of the Department, U.S.D.Ct., W.D., No. 2:13-cv-4246.*

*The department issued its first individual navigator and entity navigator licenses in September 2013. Such licenses are valid for two years and are due to be renewed, pursuant to section 376.2006, beginning September 2015. This emergency rule is required to implement section 376.2006, as authorized by section 376.2014.3, to ensure the appropriate renewal requirements are prescribed. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections in the *Missouri and United States Constitutions*. The Department of Insurance, Financial Institutions and Professional Registration believes this emergency rule is fair to all interested persons and parties under these circumstances. This emergency rule was filed July 15, 2015, becomes effective July 25, 2015, and expires February 25, 2016.*

(1) Renewal Application and Fees. Application for renewal of a navigator license shall include the following, as applicable:

(A) Individual Navigator.

1. A completed renewal application form, which is included herein as Exhibit 1 of this rule, or any form which substantially comports with the specified form;

2. Twenty-five dollar (\$25) application fee. If the renewal application is not received before the license expires, a late fee of ten dollars (\$10) must be added to the application fee; and

3. A completed Navigator Continuing Education Certification Summary form referenced in 20 CSR 400-11.120(1)(C); or

(B) Entity Navigator.

1. A completed renewal application form, which is included herein as Exhibit 2 of this rule, or any form which substantially comports with the specified form;

2. Fifty dollar (\$50) application fee. If the renewal application is not received before the license expires, a late fee of fifteen dollars (\$15) must be added to the application fee; and

3. List of all Missouri-licensed navigators conducting business on behalf of the entity.

Emergency Rules

EXHIBIT 1



MISSOURI DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION
LICENSING SECTION
APPLICATION FOR NAVIGATOR LICENSE RENEWAL

P.O. BOX 690 OF
P.O. BOX 4001 FOR CORRESPONDENCE WITH FEES
JEFFERSON CITY, MISSOURI 65102
THIS FORM MAY BE DUPLICATED

PLEASE PRINT OR TYPE					
1. SOCIAL SECURITY NUMBER			2. DATE OF BIRTH		
3. LAST NAME		JR./SR., ETC.	4. FIRST NAME		5. MIDDLE NAME
6. RESIDENCE/HOME ADDRESS (PHYSICAL STREET)		7. P.O. BOX	8. CITY		9. STATE
					10. ZIP CODE
					11. COUNTRY
12. HOME TELEPHONE NUMBER			13. MOBILE TELEPHONE NUMBER		14. PERSONAL EMAIL ADDRESS
15. GENDER (CHECK ONE) <input type="checkbox"/> Male <input type="checkbox"/> Female	16. ARE YOU A CITIZEN OF THE UNITED STATES? (CHECK ONE) (IF NO, PLEASE ATTACH DOCUMENTATION THAT PROVES YOUR ELIGIBILITY TO WORK IN THE UNITED STATES) <input type="checkbox"/> Yes <input type="checkbox"/> No If no, of which country are you a citizen?				
17. BUSINESS ENTITY NAME					
18. BUSINESS ENTITY ADDRESS (PHYSICAL STREET)		19. P.O. BOX	20. CITY		21. STATE
					22. ZIP CODE
					23. COUNTRY
24. BUSINESS TELEPHONE NUMBER (INCLUDE EXT.)		25. BUSINESS FAX NUMBER		26. BUSINESS E-MAIL ADDRESS	
				27. BUSINESS WEBSITE ADDRESS	
28. APPLICANT'S MAILING ADDRESS		29. P.O. BOX	30. CITY		31. STATE
					32. ZIP CODE
					33. COUNTRY
34. LIST ALL OTHER ASSUMED, FICTITIOUS, ALIAS, MAIDEN OR TRADE NAMES YOU HAVE USED IN THE PAST.					

BACKGROUND INFORMATION

35. The Applicant must read the following very carefully and answer every question. All written statements submitted by the Applicant must include an original signature.

1. Have you ever been convicted of a crime, had a judgment withheld or deferred, received a suspended imposition of sentence ("SIS") or suspended execution of sentence ("SES"), or are you currently charged with committing a crime, which has not been previously reported to this insurance department? YES NO

"Crime" includes a misdemeanor, felony, or a military offense. You may exclude any of the following if they are/were misdemeanor traffic citations or misdemeanors: driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude misdemeanor juvenile convictions.

"Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, having entered an Alford Plea, or having been given probation, a suspended sentence, or a fine.

"Had a judgment withheld or deferred" includes circumstances in which a guilty plea was entered and/or a finding of guilt was made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of sentence – sometimes called a "SIS" or "SES").

Unless excluded by the language above, you must disclose convictions that have been expunged.

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a certified copy of the charging document, and
- c) a certified copy of the official document which demonstrates the resolution of the charges or any final judgment.

2. Have you ever been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration, which has not been previously reported to this insurance department? YES NO

"Involved" means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation or surrendering a license to resolve an administrative action. "Involved" also means being named as a party to an administrative or arbitration proceeding which is related to a professional or occupational license. "Involved" also means having a license application denied or the act of withdrawing an application to avoid a denial. You must INCLUDE any business so named because of your actions, in your capacity as an owner, partner, officer, director, or member or manager of a Limited Liability Company. You may EXCLUDE terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

If you answer yes, you must attach to this application:

- a) a written statement identifying the type of license and explaining the circumstances of each incident,
- b) a copy of the Notice of Hearing or other document that states the charges and allegations, and
- c) a certified copy of the official document which demonstrates the resolution of the charges and/or a final judgment.

Emergency Rules

BACKGROUND INFORMATION

3. Have you failed to pay state or federal income tax, which has not been previously reported to this insurance department? YES NO
- Have you failed to comply with an administrative or court order directing payment of state or federal income tax, which has not been previously reported to this insurance department? YES NO
- If you answer yes, you must attach to this application:
- a) a written statement explaining the circumstances of each administrative or court order;
 - b) copies of all relevant documents (i.e. demand letter from the Department of Revenue or Internal Revenue Service, etc.);
 - c) a certified copy of each administrative or court order, judgment, and/or lien; and
 - d) a certified copy of the official document which demonstrates the resolution of the tax delinquency (i.e. tax compliance letter, etc.).
4. Are you currently a party to, or ever been found liable in, any lawsuit, arbitration or mediation proceeding involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach of fiduciary duty, which has not been previously reported to this insurance department? YES NO
- If you answer yes, you must attach to this application:
- a) a written statement summarizing the details of each incident,
 - b) a certified copy of the Petition, Complaint or other document that commenced the lawsuit and/or arbitration, or mediation proceedings, and
 - c) a certified copy of the official document which demonstrates the resolution of the charges and/or a final judgment.
5. Have you ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct, which has not been previously reported to this insurance department? YES NO
- Has any business in which you are or were an owner, partner, officer or director ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct, which has not been previously reported to this insurance department? YES NO
- Have you or any business in which you are or were a member or manager of a Limited Liability Company, ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct, which has not been previously reported to this insurance department? YES NO
- If you answer yes, you must attach to this application:
- a) a written statement summarizing the details of each incident and explaining why you feel this incident should not prevent you from receiving a navigator license, and
 - b) copies of all relevant documents.
6. Do you currently have or have you had a child support obligation, which has not been previously reported to this insurance department? YES NO
- If you answer yes:
- a) are you in arrearage? YES NO
 - b) by how many months are you in arrearage? _____ months
 - c) what is the total amount of your arrearage? _____
 - d) are you currently subject to a repayment agreement to cure the arrearage? YES NO
 - e) are you in compliance with said repayment agreement? YES NO
 - f) are you the subject of a child support related subpoena/warrant? (if you answer yes, provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.) YES NO
 - g) have you ever been convicted of a misdemeanor or felony for failure to pay child support? YES NO

Emergency Rules

EMPLOYMENT HISTORY

36. Account for all time for the past five years. List all employment experience starting with your current employer working back five years. Include full and part-time work, self-employment, military service, unemployment and full-time education.

	FROM		TO		POSITION HELD
	MONTH	YEAR	MONTH	YEAR	
NAME					
CITY	STATE	COUNTRY			
NAME					
CITY	STATE	COUNTRY			
NAME					
CITY	STATE	COUNTRY			
NAME					
CITY	STATE	COUNTRY			

APPLICANT'S CERTIFICATION AND ATTESTATION

37. The Applicant must read the following very carefully:

1. I hereby certify, under penalty of perjury, that all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.
2. I further certify that I grant permission to the Director to verify my information with any federal, state and/or local government agency, current or former employer, or insurance company.
3. I further certify under penalty of perjury, that a) I have no outstanding state or federal income tax obligations, or b) I have an outstanding state or federal income tax obligation and I have provided all information and documentation requested in Background Information Question 35.3.
4. I further certify, under penalty of perjury, that a) I have no child-support obligation, b) I have a child-support obligation and I am currently in compliance with that obligation, or c) I have identified my child support obligation arrearage on this application.
5. I authorize the Director to give any information concerning me, as permitted by law, to any federal, state or municipal agency, or any other governmental organization. I further release the Director and all persons acting on the Director's behalf from any and all liability of whatever nature by reason of furnishing such information.

ORIGINAL APPLICANT SIGNATURE

FULL LEGAL NAME (PRINTED OR TYPED)

DATE (MONTH/DAY/YEAR)

INSTRUCTIONS

1. All applicants must submit a \$25 application fee in the form of a check or money order, made payable to DIFP - Insurance.
2. Attach Navigator Continuing Education Certification Summary (MO 375-0894) to show compliance with section 376.2006, RSMo and 20 CSR 400-11.120.
3. Mail completed application to: MO DIFP – Insurance
P.O. Box 4001
Jefferson City, MO 65102-4001

Emergency Rules

EXHIBIT 2



MISSOURI DEPARTMENT OF INSURANCE,
 FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
 LICENSING SECTION
APPLICATION FOR NAVIGATOR ENTITY LICENSE RENEWAL

P.O. BOX 690 OR
 P.O. BOX 4001 FOR CORRESPONDENCE WITH FEES
 JEFFERSON CITY, MISSOURI 65102
THIS FORM MAY BE DUPLICATED

PLEASE PRINT OR TYPE					
1. NAVIGATOR ENTITY NAME		2. INCORPORATION/FORMATION DATE (MONTH/DAY/YEAR)		3. FEIN	
4. LIST ALL NAMES UNDER WHICH YOU ARE DOING BUSINESS			5. STATE OF DOMICILE		6. COUNTRY OF DOMICILE
7. CONTACT NAME					
8. BUSINESS ADDRESS		9. CITY		10. STATE	11. ZIP OR FOREIGN COUNTRY
12. TELEPHONE NUMBER		13. FAX NUMBER		14. BUSINESS WEBSITE ADDRESS	15. BUSINESS EMAIL ADDRESS
16. MAILING ADDRESS		17. P.O. BOX	18. CITY	19. STATE	20. ZIP OR FOREIGN COUNTRY

BACKGROUND INFORMATION

21. Please read the following very carefully and answer every question. All copies of documents must be certified. All written statements submitted by the Applicant must include an original signature.

1. Has the navigator entity or any owner, partner, officer or director ever been convicted of, or is the navigator entity or any owner, partner, officer or director currently charged with, committing a crime, whether or not adjudication was withheld, which has not been previously reported to this insurance department? YES NO

"Crime" includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations and juvenile offenses.

"Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine.

"Whether or not adjudication was withheld" includes circumstances in which a guilty plea was entered and/or a finding of guilt was made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of sentence—sometimes called an "SIS" or "SES").

Unless excluded by the language above, you must disclose convictions that have been expunged.

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a copy of the charging document, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment.

2. Has the navigator entity or any owner, partner, officer or director ever been involved in an administrative proceeding regarding any professional or occupational license, which has not been previously reported to this insurance department? YES NO

"Involved" means having a license censured, suspended, revoked, canceled, terminated or being assessed a fine, placed on probation or surrendering a license to resolve an administrative action. "Involved" also means being named as a party to an administrative or arbitration proceeding which is related to a professional or occupational license. "Involved" also means having a license application denied or the act of withdrawing an application to avoid a denial. You may exclude terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

If you answer yes, you must attach to this application:

- a) a written statement identifying the type of license and explaining the circumstances of each incident,
- b) a copy of the Notice of Hearing or other document that states the charges and allegations, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgement.

3. Has the navigator entity or any owner, partner, officer or director ever been notified of any delinquent income tax obligation, which has not been previously reported to this insurance department? YES NO

If you answer yes, identify the jurisdiction(s): _____

4. Is the navigator entity or any owner, partner, officer or director a party to, or ever been found liable in any lawsuit or arbitration proceeding involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach or fiduciary duty, which has not been previously reported to this insurance department? YES NO

If you answer yes, you must attach to this application:

- a) a written statement summarizing the details of each incident,
- b) a copy of the Petition, Complaint or other document that commenced the lawsuit or arbitration, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment.

Emergency Rules

APPLICANT'S CERTIFICATION AND ATTESTATION

22. The undersigned owner, partner, officer or director of the navigator entity hereby certifies, under penalties of perjury, that:
1. All of the information submitted in this application and attachments is true and complete and I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation and may subject me and the navigator entity to civil or criminal penalties.
 2. The navigator entity grants permission to the Department to verify any information supplied herein with any federal, state or local government agency.
 3. I authorize the Director to give any information concerning the navigator entity or any owner, partner, officer or director, to any federal, state or municipal agency, or any other organization and I release the Director and any person acting on the Director's behalf from any and all liability of whatever nature by reason of furnishing such information.
 4. I acknowledge that I am familiar with the navigator laws and regulations of Missouri.
 5. If required, I have received a Certificate of Good Standing from Missouri's Secretary of State.

SIGNATURE	
TYPED OR PRINTED NAME	
TITLE	SOCIAL SECURITY NUMBER
ADDRESS (CITY, STATE, ZIP CODE)	

NOTARY			
NOTARY PUBLIC EMBOSSEUR OR BLACK INK RUBBER STAMP SEAL	STATE	COUNTY (OR CITY OF ST. LOUIS)	
	SUBSCRIBED AND SWORN BEFORE ME, THIS		
	DAY OF	YEAR	USE RUBBER STAMP IN CLEAR AREA BELOW.
	NOTARY PUBLIC SIGNATURE	MY COMMISSION EXPIRES	
NOTARY PUBLIC NAME (TYPED OR PRINTED)			

- ### INSTRUCTIONS
- Application for initial licensure for a navigator entity shall include the following, as applicable:
1. A completed Application for Navigator Entity License Renewal.
 2. \$50 fee in the form of a check or money order, made payable to DIFP - Insurance.
 3. Attach a list of all individual navigators that are employed by or in any manner affiliated with the navigator entity. (Changes to this list shall be reported to the department within twenty days of the change.)
 4. Mail completed application packet to:

MO DIFP -- Insurance
 PO Box 4001
 Jefferson City MO 65102-4001

Emergency Rules

AUTHORITY: sections 374.045, 376.2006, and 376.2014, RSMo Supp. 2013. Emergency rule filed July 15, 2015, effective July 25, 2015, expires Feb. 25, 2016. A proposed rule covering this same material will be published in the August 17, 2015, issue of the Missouri Register.