



# OFFICE OF INSURANCE AND SAFETY FIRE COMMISSIONER

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## NOTICE OF EMERGENCY RULEMAKING

Pursuant to O.C.G.A. Section 50-13-4(b), the Commissioner of Insurance and Safety Fire (the "Commissioner") is making the following changes to the Rules and Regulations of the Office of the Commissioner of Insurance and Safety Fire: adopting Emergency Regulation 120-2-3-0.26-.08 entitled "Prelicensing Course and Provider Approval"; and adopting Emergency Regulation 120-2-3-0.27-.50 entitled "Navigators." A copy of the Emergency Regulations are attached hereto and made a part hereof by reference.

The purpose of the proposed Emergency Regulations is to immediately implement changes to Title 33 of the Georgia Code which resulted from HB 198 passing both chambers of the General Assembly and being signed into law by the Governor on May 6, 2013. The General Assembly found that the provisions of the federal Patient Protection and Affordable Care Act may cause the formation of health insurance exchanges operating in Georgia under federal law and the employment of navigators whose role will be to direct individuals and companies to health insurance policies. The General Assembly further found that those navigators need to be regulated by the state to ensure that they are knowledgeable in the subject matter of individual and group health insurance plans in order to avoid *substantial risk to the health, safety, and welfare of the residents of this state*.

On October 1, 2013, a significant number of Georgians will be eligible to purchase health plans through the federally operated health insurance exchanges. Prior to that date, the Department of Insurance needs sufficient time to advertise, receive, and review applications for navigator education provider licenses. The navigator candidates will need sufficient time to complete the education providers' coursework and to pass a state licensing examination. Finally, the Department needs sufficient time to review the applications of qualified navigator candidates.

Pursuant to O.C.G.A. Sections 50-13-4(a) and 50-13-6(a), at least 50 days must lapse between the date that the Department issues a notice of a proposed non-emergency regulation and the date when that regulation becomes law. Pursuant to O.C.G.A. Sections 50-13-4(b) and 50-13-6(b), an emergency regulation may become effective immediately upon the Commissioner's adoption. The Commissioner finds that the issuance of a non-emergency regulation alone in this matter would not allow sufficient time for the licensing of navigators by October 1, 2013. Consequently, the Commissioner finds that there is an imminent peril to the public health, safety, and welfare of the citizens of this state and hereby adopts the regulations referenced herein.

These emergency rules are being promulgated on an emergency basis for a period of up to 120 days. Prior to the end of this 120-day period, the above-referenced regulations will be promulgated according to the non-emergency rulemaking process described in O.C.G.A. Section 50-13-1 et seq.

Given under my Hand and Official Seal this 3<sup>rd</sup> day of July, 2013.



RALPH T. HODGENS  
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