

State of Wisconsin



2025 Senate Bill 593

Date of enactment:
Date of publication*:

2025 WISCONSIN ACT

AN ACT to repeal 628.90 (3) (b); to renumber 628.90 (3) (a) 1. and 2.; to renumber and amend 628.90 (3) (a) (intro.); to amend 601.83 (1) (a), 628.095 (3) and (5), 628.10 (2), (3) and (5) (a) and (b), 628.91, 628.92 (1) (intro.) and (d), (2) (intro.), (a) and (b), (6) and (7) and 628.95 (title), (1) and (2) (intro.) and (c); to create 628.90 (3m) of the statutes; relating to: various changes to insurance laws.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 601.83 (1) (a) of the statutes is amended to read:

601.83 (1) (a) The commissioner shall administer a state-based reinsurance program known as the health-care stability plan in accordance with the specific terms and conditions approved by the federal department of health and human services dated July 29, 2018. ~~Before December 31, 2023, the~~ The commissioner may not request from the federal department of health and human services a modification, suspension, withdrawal, or termination of the waiver under 42 USC 18052 under which the healthcare stability plan under this subchapter operates unless legislation has been enacted specifically directing the modification, suspension, withdrawal, or termination. ~~Before December 31, 2023, the~~ The commissioner may request renewal, without substantive change, of the waiver under 42 USC 18052 under which the health care stability plan operates in accordance with s. 20.940 (4) unless legislation has been enacted that is contrary to such a renewal request. The commissioner shall comply with applicable timing in and requirements of s. 20.940.

SECTION 2. 628.095 (3) and (5) of the statutes are amended to read:

628.095 (3) REQUIRED WHEN ANNUAL FEE PAID. At the time that the annual fee is paid under s. 601.31 (1) (m), (nm) 2., or (np) 2., an intermediary ~~or navigator~~ who is a natural person, or an individual navigator, shall provide his or her social security number unless ~~the intermediary or navigator~~ he or she does not have a social security number, and an intermediary ~~or navigator~~ that is not a natural person, or a navigator entity, shall provide its federal employer identification number, if the social security number or federal employer identification number was not provided on the application for the license or registration or previously when the annual fee was paid.

(5) ~~IF APPLICANT OR INTERMEDIARY OR NAVIGATOR~~ NATURAL PERSON HAS NO SOCIAL SECURITY NUMBER. ~~If an~~ An applicant who is a natural person and who does not have a social security number, ~~the applicant~~ shall provide to the commissioner, along with the application for a license and on a form prescribed by the department of children and families, a statement made or subscribed under oath or affirmation that the applicant does not have a social security number. ~~If an~~ An intermediary ~~or navigator~~ who is a natural person and who does not have

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

a social security number, ~~the intermediary or an individual~~ an individual navigator who does not have a social security number, shall provide to the commissioner, each time that the annual fee is paid under s. 601.31 (1) (m) or (nm) 2. and on a form prescribed by the department of children and families, a statement made or subscribed under oath or affirmation that the intermediary or individual navigator does not have a social security number.

SECTION 3. 628.10 (2), (3) and (5) (a) and (b) of the statutes are amended to read:

628.10 (2) REVOCATION, SUSPENSION, AND LIMITATION OF LICENSES. (a) *For failure to comply with continuing education or annual training requirements.* The license of any intermediary or individual navigator who fails to produce evidence of compliance with continuing education standards set by the commissioner or with annual training requirements is revoked, effective on the date on which the evidence of compliance is due. At least 60 days before that date, the commissioner shall notify the intermediary or individual navigator of the date by which the evidence of compliance is due and that the ~~intermediary's or navigator's~~ license will be revoked if the evidence is not received by that date. An intermediary or individual navigator whose license is revoked under this paragraph may have his or her license reinstated, or may be relicensed, as provided in sub. (5).

(am) *Nonpayment of fees.* The license of an intermediary or individual navigator who fails to pay a fee when due is revoked, effective on the date on which the fee is due. At least 60 days before that date, the commissioner shall notify the intermediary or individual navigator of the date by which the fee is due and that the ~~intermediary's or navigator's~~ license will be revoked if timely payment is not made. An intermediary who is a natural person, or an individual navigator, whose license is revoked under this paragraph may have his or her license reinstated, or may be relicensed, as provided in sub. (5).

(b) *For other reasons.* Except as provided in pars. (c) to (d), after a hearing, the commissioner may revoke, suspend, or limit in whole or in part the license of any intermediary or individual navigator if the commissioner finds that the licensee is unqualified as an intermediary or individual navigator, is not competent or trustworthy under s. 628.04 (1) (b) 2., or has repeatedly or knowingly violated an insurance statute or rule or a valid order of the commissioner under s. 601.41 (4), or if the intermediary's or individual navigator's methods and practices in the conduct of business endanger, or financial resources are inadequate to safeguard, the legitimate interests of customers and the public. Nothing in this paragraph limits the authority of the commissioner to suspend summarily ~~an intermediary's or individual~~

~~navigator's~~ the license of an intermediary or individual navigator under s. 227.51 (3).

(c) *For failure to pay support or to comply with subpoena or warrant.* The commissioner shall suspend or limit the license, including a temporary license under s. 628.09, of an intermediary who is a natural person, ~~the license of or~~ an individual navigator, or a temporary license of a natural person under s. 628.09, if the ~~natural person~~ person ~~who~~ is delinquent in court-ordered payments of child or family support, maintenance, birth expenses, medical expenses, or other expenses related to the support of a child or former spouse, or ~~if the natural person~~ who fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of children and families or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857. ~~—A natural person whose license or temporary license is suspended under this paragraph~~ An intermediary or individual navigator who satisfies the requirements under this paragraph for which the license or temporary license was suspended may have his or her license or temporary license reinstated by satisfactorily completing a reinstatement application and paying the application fee for original licensure as specified by rule.

(cm) *For liability for delinquent taxes or unemployment insurance contributions.* The commissioner shall revoke the license, including a temporary license under s. 628.09, of an intermediary or individual navigator, ~~including a temporary license under s. 628.09~~, if the department of revenue certifies under s. 73.0301 that the intermediary or individual navigator is liable for delinquent taxes or if the department of workforce development certifies under s. 108.227 that the intermediary or individual navigator is liable for delinquent unemployment insurance contributions. An intermediary who is a natural person, or an individual navigator, whose license is revoked under this paragraph may have his or her license reinstated, or may be relicensed, as provided in sub. (5).

(cr) *For providing false information in statement.* The commissioner shall revoke the license, including a temporary license under s. 628.09, of an intermediary or individual navigator, ~~including a temporary license under s. 628.09~~, if the commissioner determines, after a hearing, that the intermediary or individual navigator provided false information in ~~a~~ any statement provided under s. 628.095 (5) ~~with the intermediary's or navigator's application or at the time that the annual fee was paid under s. 601.31 (1) (m) or (nm) 2.~~

(d) *For failure to provide social security number, federal employer identification number or statement.* If an intermediary or individual navigator fails to provide a

social security number or federal employer identification number as required under s. 628.095 (3) or a statement as required under s. 628.095 (5), the commissioner shall suspend or limit the license of the intermediary or individual navigator, effective the day following the last day on which the annual fee under s. 601.31 (1) (m) or (nm) 2. may be paid, if the commissioner has given the intermediary or individual navigator reasonable notice of when the fee must be paid to avoid suspension or limitation. If the intermediary or individual navigator provides the social security number, federal employer identification number, or statement within 60 days from the effective date of the suspension, the commissioner shall reinstate the ~~intermediary's or navigator's~~ license effective as of the date of suspension.

(e) *For changing state of residence.* The license of an intermediary or individual navigator who changes residence from one state to another is revoked 60 days after the change of residence. The intermediary or individual navigator may be relicensed only after satisfying any requirements under s. 628.04 or 628.92 that are specified by the commissioner by rule.

(3) **DELAY FOR NEW APPLICATION.** An order revoking ~~an intermediary's or individual navigator's~~ a license under sub. (2) (b) or (cr) may specify a time not to exceed 5 years within which the former intermediary or individual navigator may not apply for a new license. If no time is specified, the intermediary or individual navigator may not apply for 5 years.

(5) (a) *Reinstatement within 12 months.* An intermediary who is a natural person, or an individual navigator, whose license is revoked under sub. (2) (a), (am), or (cm) may have his or her license reinstated within 12 months after the date on which the license was revoked without having to satisfy any preclicensing education or examination requirements under s. 628.04 or any preclicensing training or examination requirements under s. 628.92 (7). To have his or her license reinstated, the intermediary or individual navigator must satisfy the requirement under sub. (2) (a), (am), or (cm) for which the license was revoked, satisfactorily complete a reinstatement application, and pay twice the amount of the applicable license renewal fee. The reinstatement is effective on the date on which the commissioner actually reinstates the license. ~~If the~~ An intermediary or individual navigator who is also a resident and who is required to complete continuing education or annual training, ~~the intermediary or navigator~~ must have satisfied all previous continuing education or annual training requirements to have his or her license reinstated under this paragraph.

(b) *Relicensing required after 12 months.* An intermediary or individual navigator specified in par. (a) whose license has been revoked for more than 12

months is not eligible to have his or her license reinstated under par. (a) but may apply for relicensing at any time after 12 months have elapsed from the date of revocation. To be relicensed, the intermediary or individual navigator must satisfy any requirements under s. 628.04 or 628.92 that are specified by the commissioner by rule.

SECTION 4. 628.90 (3) (a) (intro.) of the statutes is renumbered 628.90 (3) (intro.) and amended to read:

628.90 (3) (intro.) ~~Except as provided in par. (b), "navigator"~~ "Individual navigator" means a natural person, ~~or an entity that supervises or employs~~ including a natural person who is supervised or employed by an entity, who does all of the following:

SECTION 4m. 628.90 (3) (a) 1. and 2. of the statutes are renumbered 628.90 (3) (am) and (bm).

SECTION 5. 628.90 (3) (b) of the statutes is repealed.

SECTION 6. 628.90 (3m) of the statutes is created to read:

628.90 (3m) "Navigator entity" means an entity or organization that does all of the following:

(a) Employs, supervises, or is affiliated with at least one individual navigator.

(b) Performs, and receives funding to perform, any of the activities and duties identified in 42 USC 18031 (i) and 45 CFR 155.210 on behalf of the exchange.

SECTION 7. 628.91 of the statutes is amended to read:

628.91 Requirement of licensure or registration.

No ~~natural person or entity, including an intermediary licensed under subch. II,~~ may act ~~as a navigator~~ in this state as an individual navigator unless licensed under s. 628.92 (1) or as a navigator entity unless registered ~~as a navigator~~ under s. 628.92 (2).

SECTION 8. 628.92 (1) (intro.) and (d), (2) (intro.), (a) and (b), (6) and (7) of the statutes are amended to read:

628.92 (1) **INDIVIDUAL NAVIGATOR LICENSE.** (intro.) A natural person applying for ~~an individual~~ navigator license shall ~~make application~~ apply to the commissioner on a form developed by the commissioner and shall declare under penalty of refusal, suspension, or revocation of the license that the statements made in the application are true, correct, and complete to the best of the ~~individual's~~ applicant's knowledge and belief. Before approving the application, the commissioner shall find that the ~~person~~ applicant satisfies all of the following:

(d) Has successfully passed a written examination approved by the commissioner under sub. (7) that tests the applicant's knowledge concerning the duties and responsibilities of ~~an individual~~ navigator, the insur-

ance laws and regulations of this state, and state public assistance programs and eligibility.

(2) ENTITY REGISTRATION. (intro.) An entity that acts or intends to operate as a navigator, ~~supervises the activities of individual navigators, or receives funding to perform such activities~~ entity shall first register as a ~~navigator entity~~ entity with the commissioner. This registration shall be on an application form developed by the commissioner, which shall include such documentation as the commissioner determines is necessary and appropriate. Before the commissioner may register the entity as a navigator entity, the entity ~~must~~ shall establish to the satisfaction of the commissioner that it satisfies all of the following:

(a) The entity has policies and procedures in place to ensure that all acts that may be performed only by ~~a~~ an individual navigator or licensed intermediary are performed by persons who are appropriately licensed under this subchapter or subch. II, or both.

(b) The entity will assume full legal responsibility for the acts of the individual navigators that it employs, supervises, or is affiliated with that are performed in this state and that are within the scope of the individual navigator's apparent authority.

(6) FINGERPRINTS AND CRIMINAL AND REGULATORY BACKGROUND CHECK ~~FOR LICENSURE AS INDIVIDUAL NAVIGATOR~~. Each ~~applicant~~ natural person who applies under sub. (1) for licensure as an individual navigator shall provide fingerprints in a format specified by the commissioner and complete a criminal and regulatory background check as a condition for being granted ~~a~~ the license ~~to act as a navigator~~. The commissioner shall use the fingerprints to conduct a state criminal history background investigation of the applicant and a national criminal history background investigation of the applicant with the federal bureau of investigation.

(7) TRAINING AND EXAMINATION. An individual navigator shall complete at least 16 hours of prelicensing training and satisfactorily complete an approved written examination ~~for navigators~~ before applying for ~~an individual navigator's~~ a license under sub. (1). After licensure, an individual navigator shall complete a course of study of at least 8 hours of approved training every one-year period. The commissioner may approve and designate courses and programs that an applicant ~~for a navigator's license~~ may complete to fulfill the prelicensing training requirement or that a ~~licensed navigator~~ licensee may complete to fulfill the annual training requirement. The commissioner may make arrangements, including contracting with an outside testing service or other appropriate entity, to administer examinations and collect fees.

SECTION 9. 628.95 (title), (1) and (2) (intro.) and (c) of the statutes are amended to read:

628.95 (title) ~~Navigator~~ Individual navigator, navigator entity, and nonnavigator assister conduct.

(1) GENERAL. For purposes of this subchapter, ~~a~~ an individual navigator, navigator entity, or nonnavigator assister, in the performance of its duties, shall be considered to be transacting the business of insurance.

(2) PROHIBITED PRACTICES. (intro.) ~~A~~ An individual navigator, navigator entity, or nonnavigator assister may not do any of the following:

(c) Make or cause to be made any communication relating to the exchange, health benefit plans, an insurance contract, the insurance business, any insurer, any individual navigator, any navigator entity, any nonnavigator assister, or any intermediary that contains false, deceptive, or misleading information, including information that is misleading because of incompleteness.