

Superseded 5/13/2014

31A-23b-102 Definitions.

As used in this chapter:

- (1) "Compensation" is as defined in:
 - (a) Subsections 31A-23a-501(1)(a), (b), and (d); and
 - (b) PPACA.
- (2) "Enroll" and "enrollment" mean to:
 - (a)
 - (i) obtain personally identifiable information about an individual; and
 - (ii) inform an individual about accident and health insurance plans or public programs offered on an exchange;
 - (b) solicit insurance; or
 - (c) submit to the exchange:
 - (i) personally identifiable information about an individual; and
 - (ii) an individual's selection of a particular accident and health insurance plan or public program offered on the exchange.
- (3)
 - (a) "Exchange" means an online marketplace:
 - (i) for an individual to purchase a qualified health plan; and
 - (ii) that is certified by the United States Department of Health and Human Services as either a state-based exchange or a federally facilitated exchange under PPACA.
 - (b)
 - (i) "Exchange" does not include:
 - (A) an online marketplace for the purchase of health insurance if the online marketplace is not a certified exchange under PPACA; or
 - (B) except as provided in Subsection (3)(b)(ii), an online marketplace for small employers that is certified as a PPACA compliant SHOP exchange.
 - (ii) For purposes of this chapter, exchange does include a small employer SHOP exchange described under Subsection (3)(b)(i)(B) if:
 - (A) federal regulations under PPACA require a small employer exchange to allow navigators to assist small employers and their employees with selection of qualified health plans on a small employer exchange; and
 - (B) the state has not entered into an agreement with the United States Department of Health and Human Services that permits the state to limit the scope of practice of navigators to only the individual PPACA exchange.
- (4) "Navigator":
 - (a) means a person who facilitates enrollment in an exchange by offering to assist, or who advertises any services to assist, with:
 - (i) the selection of and enrollment in a qualified health plan or a public program offered on an exchange; or
 - (ii) applying for premium subsidies through an exchange; and
 - (b) includes a person who is an in-person assister or an application assister as described in:
 - (i) federal regulations or guidance issued under PPACA; and
 - (ii) the state exchange blueprint published by the Center for Consumer Information and Insurance Oversight within the Centers for Medicare and Medicaid Services in the United States Department of Health and Human Services.
- (5) "Personally identifiable information" is as defined in 45 C.F.R. Sec. 155.260.

- (6) "Public programs" means the state Medicaid program in Title 26, Chapter 18, Medical Assistance Act, and Chapter 40, Utah Children's Health Insurance Act.
- (7) "Solicit" is as defined in Section 31A-23a-102.