

1-1 By: Nelson S.B. No. 79
1-2 (In the Senate - Filed November 10, 2008;
1-3 February 10, 2009, read first time and referred to Committee on
1-4 State Affairs; March 26, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 March 26, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 79 By: Ellis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to specialty certification for insurance agents serving
1-11 certain employer groups.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 4054, Insurance Code, is amended by
1-14 adding Subchapter H to read as follows:

1-15 SUBCHAPTER H. SPECIALTY CERTIFICATION FOR AGENTS SERVING CERTAIN
1-16 EMPLOYER GROUPS

1-17 Sec. 4054.351. CERTIFICATION PROGRAM. The department shall
1-18 establish a voluntary specialty certification program for
1-19 individuals who market small employer health benefit plans in
1-20 accordance with Chapter 1501.

1-21 Sec. 4054.352. QUALIFICATIONS. (a) To be eligible to
1-22 receive a specialty certification under this subchapter, an
1-23 individual must:

1-24 (1) hold a general life, accident, and health license
1-25 under this chapter;

1-26 (2) satisfy the requirements of this subchapter; and

1-27 (3) submit evidence of completion of training to the
1-28 department in the manner prescribed by the commissioner.

1-29 (b) To maintain a specialty certification under this
1-30 subchapter, an individual must continue to hold a general life,
1-31 accident, and health license under this chapter.

1-32 Sec. 4054.353. INITIAL TRAINING. (a) To be certified
1-33 under this subchapter, an individual must first complete training
1-34 in the law, including department rules, applicable to small
1-35 employer health benefit plans offered under Chapter 1501.

1-36 (b) An individual seeking specialty certification under
1-37 this subchapter must complete a course applicable to small employer
1-38 health benefit plans under Chapter 1501, as prescribed and approved
1-39 by the commissioner. Except as provided by Subsection (c), an
1-40 individual is not eligible for the specialty certification unless,
1-41 on completion of the course, it is certified to the commissioner as
1-42 required by the department that the individual has:

1-43 (1) completed the course; and

1-44 (2) passed an examination testing the individual's
1-45 knowledge and qualification.

1-46 (c) An individual seeking specialty certification under
1-47 this subchapter is not required to complete the course and
1-48 examination required by Subsection (b) if the individual
1-49 demonstrates to the department, in the manner prescribed by the
1-50 department, that the individual holds a designation as:

1-51 (1) a Registered Health Underwriter (RHU);

1-52 (2) a Certified Employee Benefit Specialist (CEBS); or

1-53 (3) a Registered Employee Benefits Consultant (REBC).

1-54 Sec. 4054.354. RENEWAL. To renew a specialty certification
1-55 under this subchapter, the individual must complete five hours of
1-56 continuing education applicable to small employer health benefit
1-57 plans during the two-year certification period.

1-58 Sec. 4054.355. SATISFACTION OF CONTINUING EDUCATION
1-59 REQUIREMENTS. Each hour of education completed in accordance with
1-60 this subchapter to obtain or renew a specialty license may be used
1-61 to satisfy an hour of a continuing education requirement otherwise
1-62 applicable to the agent under this title.

1-63 Sec. 4054.356. OFFER OF SERVICES TO ALL GROUP SIZES. To

2-1 hold a specialty certification under this subchapter, an individual
2-2 must agree to market small employer health benefit plans to small
2-3 employers that satisfy the requirements of Chapter 1501 without
2-4 regard to the number of employees to be covered under the plan.

2-5 Sec. 4054.357. ADVERTISING. An individual who holds a
2-6 specialty certification may advertise, in the manner specified by
2-7 department rule, that the individual is specially trained to serve
2-8 small employers.

2-9 Sec. 4054.358. LIST MAINTAINED BY DEPARTMENT; WEBSITE. The
2-10 department shall maintain a list of all individuals who hold a
2-11 specialty certification under this subchapter, together with the
2-12 business address and phone number of each individual and a general
2-13 description of the individual's service area. The department shall
2-14 publish the list on the department website.

2-15 Sec. 4054.359. RULES. The commissioner, in accordance with
2-16 Section 36.001, may adopt rules as necessary to administer this
2-17 subchapter.

2-18 SECTION 2. Section 4001.002, Insurance Code, is amended by
2-19 adding Subsection (a-1) to read as follows:

2-20 (a-1) Except as otherwise provided by this code, this title
2-21 applies to each individual who holds a specialty certification
2-22 under Subchapter H, Chapter 4054.

2-23 SECTION 3. Not later than January 1, 2010, the Texas
2-24 Department of Insurance may begin issuing specialty certifications
2-25 under Subchapter H, Chapter 4054, Insurance Code, as added by this
2-26 Act.

2-27 SECTION 4. This Act takes effect September 1, 2009.

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