

HOUSE BILL No. 2480

By Committee on Insurance

1-23

1 AN ACT concerning insurance; relating to the long-term care insurance
2 act; updating the definition of long-term care insurance; amending
3 K.S.A. 40-2227 and repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 40-2227 is hereby amended to read as follows: 40-
7 2227. As used in this act, unless the context requires otherwise:

8 (a) "Long-term care insurance" means any insurance policy primarily
9 advertised, marketed, offered or designed to provide coverage ~~for not less~~
10 ~~than 12 consecutive months~~ for each covered person on an expense
11 incurred, indemnity, prepaid, or other basis, for one or more necessary or
12 diagnostic, preventive, therapeutic, rehabilitative, maintenance, custodial,
13 residential or personal care services, provided in a setting other than an
14 acute care unit of a hospital. ~~Such term~~ "Long-term care insurance"
15 includes group and individual policies or riders whether issued by insurers,
16 fraternal benefit societies, nonprofit medical and hospital service
17 corporations, prepaid health plans, health maintenance organizations, or
18 any similar organization. "Long-term care insurance" shall not include any
19 insurance policy ~~which~~ *that* is offered primarily to provide basic medicare
20 supplement coverage, basic hospital expense coverage, basic medical-
21 surgical expense coverage, hospital confinement indemnity coverage,
22 major medical expense coverage, disability income protection coverage,
23 accident-only coverage, specified disease or specified accident coverage,
24 or limited benefit health coverage, but the inclusion or attachment of long-
25 term care insurance coverage to one of the foregoing products shall not
26 exempt it from the requirements of this act.

27 (b) "Applicant" means:

28 (1) In the case of an individual long-term care insurance policy, the
29 person who seeks to contract for such benefits; and

30 (2) in the case of a group long-term care insurance policy, the
31 proposed certificateholder.

32 (c) "Certificate" means any certificate issued under a group long-term
33 care insurance policy, ~~which policy~~ *that* has been delivered or issued for
34 delivery in this state.

35 (d) "Commissioner" means the ~~insurance commissioner of this state~~
36 *commissioner of insurance.*

1 (e) "Group long-term care insurance" means a long-term care
2 insurance policy delivered or issued for delivery in this state and issued to
3 a group as defined in K.S.A. 40-2209, and amendments thereto. No group
4 long-term care insurance coverage may be offered to a resident of this state
5 under a group policy issued in another state to a group defined in K.S.A.
6 40-2209, and amendments thereto, unless this state, or another state having
7 statutory and regulatory long-term care insurance requirements
8 substantially similar to those adopted in this state, has made a
9 determination that such requirements have been met.

10 (f) "Policy" means, except as otherwise provided in subsection (e) ~~of~~
11 ~~this section~~, any individual or group policy, contract, subscriber
12 agreement, rider or endorsement delivered or issued for delivery in this
13 state by an insurer, fraternal benefit society, nonprofit medical and hospital
14 service corporation, prepaid health plan, health maintenance organization
15 or any similar organization.

16 Sec. 2. K.S.A. 40-2227 is hereby repealed.

17 Sec. 3. This act shall take effect and be in force from and after its
18 publication in the statute book.