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Blue Cross and Blue Shield of Kansas
Written Neutral Testimony on House Bill 2351
House Committee on Judiciary
January 29, 2026

Chairwoman Humphries and Members of the Committee:

Blue Cross Blue Shield of Kansas appreciates the opportunity to provide neutral testimony on House Bill 2351. Blue Cross and Blue Shield of Kansas (BCBSKS) is the state's largest locally-operated, not-for-profit health plan with more than 2,000 Kansas-based employees. We serve approximately 1,000,000 Kansans in 103 Kansas counties.

HB 2351 addresses some of the concerns we raised[1] in 2024 regarding House Bill 2593, but we would still encourage the Committee to further amend the bill in the interest of clarity. We opposed 2024 HB 2593 because the scope and effect of the bill was unclear. 2026 HB 2351 addresses one of our concerns raised in 2024, namely, when the new ban on mandatory arbitration would go into effect – Section 1(a)(2) clears up that vagueness.

However, we continue to have concerns that the bill's failure to define what is meant by the term "contract of insurance" will lead to confusion. At the February 12, 2024, hearing on HB 2593, it was apparent that the proponents' primary goal was to remove binding arbitration clauses from contracts between individual consumers and insurers. The 2024 bill's text, however, could have been construed to apply to the various other contracts that a health insurer may be a party to: a contract between an insurer and a provider, a contract between an insurer and an employer to provide health benefits for employees, or even a contract between an insurer and a self-insured group to provide only claims processing or other administrative services to the group. 2026 HB 2351 contains the same vague language.

If the Committee desires to advance HB 2351, to prevent avoidable confusion we strongly recommend that the Committee amend the bill to clarify who the Legislature intends "contract of insurance" to apply to. For example, adding the phrase "between an individual consumer and an insurer" in line 13, after "contained in a contract of insurance," or creating a definition of "contract of insurance" for the purposes of K.S.A. 5-428.

Please do not hesitate to contact me if you have questions or concerns.

Sincerely,

Sarah Fertig
Director of Government Relations
Blue Cross and Blue Shield of Kansas

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1 https://www.kslegislature.gov/li_2024/b2023_24/committees/ctte_h_jud_1/misc_documents/download_testimony/ctte_h_jud_1_20240212_17_testimony.html