

MINUTES OF THE House COMMITTEE ON InsuranceThe meeting was called to order by Rep. Rex Hoy at
Chairperson3:30 a.m./p.m. on February 23, 1984 in room 521 S of the Capitol.All members were present except:
No exceptions

Committee staff present:

Wayne Morris, Legislative Research
Gordon Self, Revisor's Office
Mary Sorensen, Committee Secretary

Conferees appearing before the committee:

Rep. Blumenthal (Sponsor) Pamela Patzwald
Rep. Vancrum (Sponsor) Jim Wright
John Brookens L. M. Cornish
Jerry Palmer

Others present:

See List (Attachment 1)HB 2833, No-Fault automobile insurance, pip benefits and tort threshold increased, was up for final action.

Rep. Littlejohn moved to amend on line 42, to strike one year and add two years. Rep. DeBaun seconded. Rep. Sprague offered a substitute motion to pass out HB 2833 without amendments. Rep. Long seconded. Rep. Peterson, Rep. Cribbs, Rep. Turnquist, and Rep. Sutter all spoke against the substitute motion. A vote was taken, a division was requested, 8 voted in favor, 6 voted against, so HB 2833 will be reported favorably, as written. Rep. Peterson, Rep. Cribbs, Rep. Sutter, Rep. Turnquist, Rep. M. J. Johnson, and Rep. Weaver all asked to be recorded as voting No. Chairman Hoy voted in favor of the bill.

HB 2795, Providing reimbursement or indemnity for alcohol, drug abuse or nervous or mental conditions in policy of accident and sickness insurance, was next up for final action.

Rep. Blumenthal passed around Attachment 2, which is a draft proposal, substitute for HB 2795. Rep. Sprague moved that this draft proposal be introduced to replace the present HB 2795. Rep. Sutter seconded. Rep. Blumenthal explained that basically this substitute would take out reference to individual policies and apply only to group policies. Rep. Spaniol offered a substitute motion to take HB 2795 and the proposed substitute and request an interim study of the two. Rep. Long seconded. There was discussion on this. A vote was taken, and a division called for. 7 voted in favor of the substitute motion, 7 voted against. Chairman Hoy voted in favor of tabling. An interim study will be requested.

HB 2932, by Rep Vancrum and others, concerning wrongful death actions, was next on the agenda. Rep. Vancrum said this bill was introduced this year to replace HB 2061, which had been passed out of the committee last year. There are some changes in HB 2932, which he explained. He passed out his written testimony (Attachment 3) and read from it, and asked for favorable passage of HB 2932. Rep. Spaniol asked if Rep. Vancrum would be in favor of removing the lid on wrongful death actions, and Rep. Vancrum said he would prefer to increase it from \$25,000 to \$100,000 but not remove it completely.

John Brookens, of the Kansas Bar Association, first passed out Attachment 4, statistics on traffic deaths nationwide, showing that Kansas had a 17.5% decrease in 1983 over 1982. He then passed out Attachment 5, which is his written testimony in support of HB 2932, and he read from this testimony and responded to questions. He said that he, personally, would not mind if there was no lid, but would support increasing it to \$100,000.

CONTINUATION SHEET

Minutes of the House Committee on Insurance, February 23, 1984

Kathleen Sebelius, of the Kansas Trial Lawyers Association, introduced Jerry Palmer, a Topeka Attorney and past president of the Association, who spoke in support of HB 2932 and HB 2905. He said Rep. Peterson's bill (HB 2905) says there shall be no limit on non-pecuniary losses, and if it is not workable then they support HB 2932, which increases the limit to \$100,000.

Pamela Patzwald then spoke to tell how the present wrongful death statute is affecting her personally, due to the death about a year ago of her young daughter. She responded to questions from the committee.

Jim Wright, an attorney from Topeka, then spoke on behalf of the Kansas Association of Defense Counsel. He said their association would like to have the limit raised to \$50,000. He said they would like to see the evidence of remarriage admitted but he doesn't believe the wording is quite right, and he opposes complete abolition of the ceiling. There were questions from the committee as to how an attorney in cases under this statute would be paid, hourly or a percent of the award, and questions as to how much time and work was required of an attorney.

L. M. Cornish, representing the Kansas Association of Property and Casualty Insurance Companies of Kansas, spoke on HB 2932. He said they can understand a raise in the \$25,000 limit due to inflation, but he said the smaller companies would have a problem if the limit were taken off. There were questions of Mr. Cornish.

A photostat of an Editorial "Let's Mandate the Coverage" was furnished to each committee member by Rep. Blumenthal. It concerns HB 2795, and is marked Attachment 6.

The meeting adjourned at 4:50 PM.

DRAFT PROPOSAL
Substitute for HOUSE BILL NO. 2795

AN ACT concerning insurance; relating to reimbursement or indemnity for treatment of alcoholism, drug abuse or nervous or mental conditions; amending K.S.A. 40-2,105 and repealing the existing section.

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

Section 1. K.S.A. 40-2,105 is hereby amended to read as follows: 40-2,105. ~~Unless--refused-in-writing,~~ On or after the effective date of this act, every insurer, which issues any group policy of accident and sickness, insurance providing medical, surgical or hospital expense insurance coverage for other than specific diseases or accidents only and which provides for reimbursement or indemnity for services rendered to a person covered by such policy in a medical care facility, must provide for reimbursement or indemnity under such policy which shall be limited to not less than ~~thirty-(30)~~ 30 days per year when such person is confined for treatment of alcoholism, drug abuse or nervous or mental conditions in a medical care facility licensed under the provisions of K.S.A. ~~1978--Supp.~~ 65-429 or and amendments thereto, a treatment facility for alcoholics licensed under the provisions of K.S.A. ~~1978-Supp.~~ 65-4014 and amendments thereto, a treatment facility for drug abusers licensed under the provisions of K.S.A. ~~1978-Supp.~~ 65-4605 and amendments thereto, a community mental health center or clinic licensed under the provisions of K.S.A. 75-3307b and amendments thereto or a psychiatric hospital licensed under the provisions of K.S.A. 75-3307b and amendments thereto. ~~Unless-refused-in-writing,~~ Such group policy of accident and sickness insurance shall also provide for reimbursement or indemnity of the costs of treatment of such person for alcoholism, drug abuse or nervous or mental

conditions, limited to not less than ~~one-hundred-percent-(100%)~~ 100% of the first ~~one-hundred--dollars--(\$100)~~ \$100 and ~~eighty percent-(80%)~~ 80% of the next ~~five-hundred-dollars-(\$500)~~ \$500 in any year, in ~~said~~ the facilities ~~hereinbefore~~ enumerated in this section when confinement ~~therein~~ is not necessary for ~~said~~ treatment or by a physician licensed or psychologist certified to practice under the laws of the state of Kansas.

Sec. 2. K.S.A. 40-2,105 is hereby repealed.

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

STATE OF KANSAS



TOPEKA

HOUSE OF
REPRESENTATIVES

Attachment 3

COMMITTEE ASSIGNMENTS
VICE-CHAIRMAN, FEDERAL AND STATE AFFAIRS
MEMBER, ASSESSMENT AND TAXATION
JUDICIARY

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TESTIMONY OF REPRESENTATIVE ROBERT J. VANCURUM
ON HB 2932 - WRONGFUL DEATH DAMAGES
THURSDAY, FEBRUARY 23, 1984

Thank you for this opportunity to appear before you with regard to HB 2932. This bill will increase the \$25,000 limit of nonpecuniary wrongful death damages to \$100,000.

Those of you who were on the committee last year remember HB 2061, which increased the limit to \$100,000, and was passed out of this committee favorably last year. I have introduced a new bill this year because several parties have suggested that if minor changes were made in the bill they could support it. Section 2 has been added to the bill to permit evidence of remarriage of the spouse to be admissible so as to allow the defendant to introduce evidence which might give some indication of the extent of the nonpecuniary loss of the spouse. It is my understanding that the Kansas Bar Association Policy Committee wishes to have this added for the benefit of the insurance bar to offset the effect of increasing the limit.

I have also added Section 1b, which provides that the court will not instruct the jury as to the monetary limitation. The purpose of this section is to meet the argument that will be made that any limit which is set becomes a floor rather than a

Att. 3

Testimony
of Rep. Robert J. Vancrum
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ceiling. Of course, I would argue that any time a limit is set too low it will naturally become a floor in that juries tend to be fair and award a reasonable amount of damages. Nevertheless, in the spirit of compromise I have included these two changes in the bill.

Since there are some new people on the committee this year, I find it necessary to say a few words concerning the need for the bill. In the first place, although under present Kansas law there is currently no limit on pecuniary damages (loss of wages, medical and other out-of-pocket damages), Kansas has had for several years a \$25,000 lid on all other damages including punitive damages, and damages for pain and suffering and loss of the societal value of the individual to his or her family members. It may surprise you to find out that at least 21 states have no limit whatsoever on such damages and an additional 23 states no ceiling on damages other than punitive damages.

This ill-conceived lid leads to some really serious miscarriages of justice. Let me give one brief example. Let's assume for a moment that five people are standing under a skywalk in a hotel in Kansas which collapses and all five are killed. It is later determined that the collapse was caused by admitted negligence on the part of the construction company. Of the five people, one is a high-salaried working father, one is a child genius who is just about to graduate from high school, two are an older retired couple, and the last is a homemaker whose children are raised. Of these individuals, the family of the

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first would be able to recover hundreds of thousands of dollars and possibly millions. But in Kansas, the other four because of this statute are treated as if their lives are worth only \$25,000. The negligence in all five cases is exactly the same, but we are limiting the recovery in the latter four cases because of two things: (1) Apparently a large number of people at one time thought that the other four simply were not worth as much as the working father. (2) The insurance companies have steadfastly maintained, for the most part, in the face of overwhelming evidence that if the lid is increased insurance premiums will rise dramatically. The facts simply do not support that analysis. In states that have removed the lid, premiums have not risen dramatically, and in fact most rates on casualty policies are set nationwide, which means the company is charging the same premium to Kansas policyholders as in other states and therefore simply making a larger profit. I have no problem with their profits, except that in this case the community expense of the number of families who have been treated very unjustly.

Since there are many other conferees and I have testimony to give in another committee, I will stop at this point and ask if you have any questions.

Vanishing Breed: Olympic Amateurs

Even before the Olympic torch was lit, the winter competition at Sarajevo was engulfed in a who's-an-amateur dispute that promises to flare again at the summer games in Los Angeles.

Five hockey players—two Canadians, two Italians and an Austrian—were disqualified by a sudden ban on those who had played even once under contract in the National Hockey League. It did not affect players who had been paid by European hockey clubs, nor an Austrian veteran of more than 300 pro games in the defunct World Hockey Association.

The dispute raised anew questions about the fairness of Olympic rules and the purity of the games. William Simon, the former Treasury Secretary who heads the U.S. Olympic Committee, called the regulations a "sham."

Westerners long have expressed dismay over rules that let Communist governments subsidize athletes. The star goalkeeper on this year's Soviet hockey team, for instance, is a Red Army major who spends most daytime hours training at an ice rink.

Many Olympic athletes from the U.S. and other Western nations now get six-figure pay—not from government but from companies seeking publicity for such products as cameras, watches and sporting equipment. Austrian skier Franz Klammer is reported to have left a million-dollar contract with one ski



Disqualified Canadians await start of Canada's winning hockey match with U.S.

maker for a richer deal with another.

An American arrangement allows track stars to dip into individual trust funds for living and training expenses, interpreted in some cases as including luxury cars, fancy homes and hot tubs.

With national pride and financial rewards hinging on Olympic victories, more disputes over eligibility are certain. Officials already are debating whether the pros who play in the North American Soccer League should compete in Los Angeles in July and August.

Simon of the USOC said the best answer might be to open all games to all athletes, amateur or professional. Said Eric King, executive director of the Canadian Soccer Association: "True-blue amateurs are long since gone. Times have changed and the Olympic movement has to adjust." □

Traffic Deaths Hit 20-Year Low

Even though Americans drove more miles, traffic deaths in 1983 fell to the lowest total in 20 years.

Transportation Secretary Elizabeth Dole reported there were 43,000 road fatalities, down 2.1 percent from 1982 and 15.8 percent from 1980. The fatality ratio was 2.6 per 100,000 miles traveled—the lowest ever recorded. The decline, Dole said, resulted largely from state and local crack-downs on drunk drivers.

Here's how states ranked in cutting 1983's road deaths—

	Total Deaths	1-Year Change
North Dakota	115	-22.3%
Oklahoma	845	-20.6%
Kansas	411	-17.5%
Vermont	94	-17.5%
Connecticut	442	-15.2%
Wyoming	173	-13.9%
Hawaii	139	-13.7%
New Jersey	925	-12.8%
Texas	3,803	-11.0%
Mississippi	322	-10.3%
Nevada	252	-10.0%
Delaware	112	-8.9%
New Mexico	531	-8.0%
Arizona	668	-7.7%
Michigan	1,312	-7.4%
Illinois	1,552	-7.1%
Washington	703	-7.1%
West Virginia	425	-6.6%
Rhode Island	100	-6.5%
North Carolina	1,239	-6.1%
Ohio	1,520	-6.1%
Kentucky	788	-5.7%
Louisiana	975	-5.3%
Wisconsin	736	-5.0%
Pennsylvania	1,760	-4.8%
Tennessee	1,024	-4.7%
Utah	282	-4.7%
Minnesota	555	-4.5%
California	4,412	-4.3%
New York	2,070	-3.6%
Colorado	646	-2.9%
Massachusetts	640	-2.3%
Nebraska	255	-2.3%
U.S. estimate	43,000	-2.1%
Florida	2,708	-0.1%
Maryland	662	+0.3%
Arkansas	554	+0.7%
Missouri	918	+1.1%
Virginia	901	+2.3%
Georgia	1,269	+3.3%
Idaho	265	+3.5%
Indiana	1,005	+3.5%
Iowa	508	+5.8%
Oregon	550	+6.2%
Alabama	924	+9.3%
New Hampshire	191	+10.5%
Montana	286	+12.6%
South Carolina	844	+15.6%
South Dakota	173	+16.9%
Maine	224	+34.9%
Alaska	148	+38.3%

Current Quotes

"It could get better. It could not get worse."

Former arms-control negotiator Paul Warnke on the relationship between the U.S. and Russia in the wake of Yuri Andropov's death.

"He walks away from more political car crashes than anyone. . . . By November, no one will remember or care how he came to put the Marines there in the first place."

Former Reagan strategist John Sears on political implications of the President's pullout from Lebanon.

"The fad of drug values has changed. Using drugs was an 'in' thing. Now it is an 'out' thing."

Lloyd Johnson of the University of Michigan's Institute for Social Research, which found a sharp drop in marijuana use by U.S. teenagers.

"We still have time to act—but, in my judgment, not much time."

Federal Reserve Chairman Paul Volcker warning that record budget deficits jeopardize interest rates and the economy.

"This group of gangsters, aided and abetted by their relatives and sycophants, engaged in a multifaceted orgy of criminal activity."

Federal Judge Harold Ackerman ordering removal of convicted racketeer Anthony Provenzano and six others as heads of the Teamsters' second-biggest local.

"They should not be hit with outlandish penalties for failing to memorize the federal tax code."

Senator Nancy Kassebaum (R-Kans.) on a \$50 penalty against an 84-year-old Kansas City woman who underpaid her income tax by 60 cents.



KANSAS BAR ASSOCIATION

Attachment 5

February 23, 1984

OFFICERS

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- Vice President: [Name]
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- Executive Director: [Name]

TO: House Insurance Committee

Subject: HB 2061, HB 2905, HB 2932. Wrongful death--damages for non-pecuniary loss.

From: Kansas Bar Association

In a wrongful death case, damages are of two kinds. One is called pecuniary and the other is called non-pecuniary.

Examples will best illustrate the distinction.

A father, with a wife and 3 children is injured by reason of a wrong committed by another, and dies. The father was earning \$20,000 per year. The wife was not employed, and has no employable skill. The 3 children are all under 10 years of age. The widow and the children are entitled to be compensated by payment of pecuniary damages. Pecuniary damages would include loss of financial support from the husband/father. The \$20,000 a year income is wiped out by reason of the fault of another. Damages would include compensation for that lost income, the medical expense, the funeral bill. These are pecuniary damages. There is no limit imposed by statute in Kansas as to what total amount this may approach. The compensation should be based on what facts are proved to be true pertaining to this loss.

Additionally, the widow and children are entitled to be compensated for non-pecuniary damages.

Non-pecuniary damages include: mental anguish, suffering, bereavement; loss of society and companionship, comfort and protection; loss of marital care, attention, advise and counsel; loss of filial care or attention; loss of parental care, training, guidance, and education. Kansas law, K.S.A. 60-1903, limits recovery for non-pecuniary damages to \$25,000.

Some corporations do not believe in payment of any damages for pain and suffering, mental anguish, bereavement, and other elements of non-pecuniary damages. But, most people believe these do exist, and believe they are compensable. Those afflicted know they exist and should be compensable.

In the case of the wrongful death of an unemployed wife, pecuniary damages are very small, minimal.

Atch. 5

In the case of the wrongful death of a young child, pecuniary damages are minimal, usually just the funeral bill.

Can one in our heart really say that in the case of the wrongful death of the unemployed wife, or in the wrongful death of a young child, that non-pecuniary damages should in all cases be limited to \$25,000?

\$25,000 in full payment, maximum in each case, for mental anguish, suffering, bereavement; loss of society, companionship, comfort, protection, loss of marital care, attention, advise and counsel; loss of filial care or attention; loss of parental care, training, guidance, and education?

I know juries believe these elements of damage are compensable, and the amount must be variable as it applies to the facts of each individual case. No two cases are exactly alike.

I have not personally researched the point, but believe it is true that only 6 States place any statutory cap on payment of non-pecuniary damages.

The argument will be made that these awards are based on sympathy, that there is no scientific method of calculation of damages.

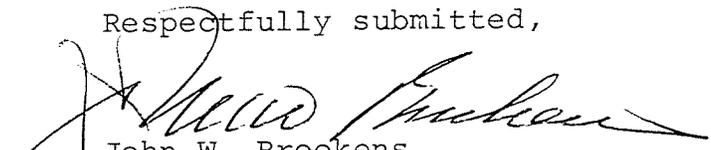
There is a certain amount of sympathy in a meritorious case. There is no scientific formula to calculate in money these types of damages. Of course, that is true.

But, juries are able to sort out these problems and arrive at a consensus verdict that is fair and reasonable. We are of the opinion that juries consist of a cross-section of society, the conscience of the community. What's wrong with that?

We believe \$25,000 limit on non-pecuniary damages creates a wrong in many cases. In the case of wrongful death of a child, or wrongful death of a non-employed mother by reason of medical mal-practice (this does not occur often, but it does occur), the \$25,000 cap will not even pay the cost of garnering expert witnesses to prove the case.

We officially support HB 2932.

Respectfully submitted,



John W. Brookens
Legislative Counsel

C. WRONGFUL DEATH

PIK 9.30 WRONGFUL DEATH OF SPOUSE

If you find for the plaintiff, you may allow pecuniary damages. They have no monetary limitation except that they should be the amount that you find will fairly compensate for monetary losses sustained and reasonably expected to be sustained in the future.

You may also allow non-pecuniary damages. They have a monetary limitation in that they are not to total more than \$25,000.

Pecuniary damages are those reasonably measurable in money lost or to be lost in the future. For these you are not controlled by any maximum or minimum. They include any of the following items that you find resulted from defendant's wrongful conduct:

1. Loss of [services,] [attention,] [marital care,] [parental care,] [advice] [and protection].
2. Loss of [education,] [physical,] [moral,] training and guidance.
3. Loss of earnings you find the deceased would have provided.
4. Expenses for the care of the deceased caused by the injury and funeral expenses.

The non-pecuniary damages are not easily measurable in monetary value. You may not allow more than \$25,000 for the total of them. The survivor's mental anguish, bereavement, loss of society, and loss of companionship are

PIK 9.30 PATTERN INSTRUCTIONS FOR KANSAS 2d

all items of non-pecuniary damages that you may find were sustained.

Notes on Use

Include those items, whether bracketed or not, on which there is supportive evidence. Both marital care and parental care are included as items since often a wrongful death action is maintained by a plaintiff, or by more than one plaintiff, for the benefit of a spouse and one or more children.

Comment

The wrongful death statutes are K.S.A. 60-1901 (2) and (3) (1976 Supp.), K.S.A. 60-1904 (1964), and 60-1905 (1974). A separate survival action may be justified for some deaths: K.S.A. 60-1801 (1964), *Flowers v Marshall*, 208 Kan 900, 494 P2d 1184 (1972).

If an action is brought by, or on behalf of, more than one heir, the following may be added to the instruction:

The court will determine how any amount you allow will be divided among the heirs.

The personal representative would be the proper party to recover losses up to date of death if the decedent's estate is being administered: K.S.A. 60-1904 (1974).

Research References

ALR Annotations:

Propriety and prejudicial effect of reference by plaintiff's counsel, in jury trial of personal injuries or death action, to amount of damages claimed or expected by his client. 14 ALR3d 541.

What constitutes injury to means of support within civil damage or dram shop acts. 4 ALR3d 1332.

Nominal damages. 69 ALR2d 628.

Joinder of a cause of action for pain and suffering of the decedent with a cause of action for wrongful death. 35 ALR2d 1377.

American Jurisprudence:

Generally as to damages for pain and suffering see 22 Am Jur 2d, DEATH §§ 112, 113.

Practice Aids:

For proof of the various elements of wrongful death in question

PIK 9.31 PATTERN INSTRUCTIONS FOR KANSAS 2d

PIK 9.31 WRONGFUL DEATH OF PARENT

If you find for the plaintiff(s), you may allow pecuniary damages. They have no monetary limitation except that they should be the amount you find will fairly compensate for monetary losses sustained and reasonably expected to be sustained in the future.

You may also allow non-pecuniary damages. They have a monetary limitation in that they are not to total more than \$25,000.

Pecuniary damages are those reasonably measurable in money lost or to be lost in the future. For these you are not controlled by any maximum or minimum. They include any of the following items that you find resulted from defendant's wrongful conduct:

1. Loss of [services,] [attention,] [parental care,] [advice] and [protection].
2. Loss of [educational,] [physical,] [moral] training and guidance.
3. Loss of financial support which you find the deceased would have provided during their minority.
4. Expenses for the care of the deceased caused by the injury and funeral expenses.

The non-pecuniary damages are not easily measurable in monetary value. You may not allow more than \$25,000 for the total of them. The survivor's(s') mental anguish, bereavement, loss of society, and loss of companionship are all items of non-pecuniary damages that you may find were sustained.

PIK 9.32 PATTERN INSTRUCTIONS FOR KANSAS 2d

PIK 9.32 WRONGFUL DEATH OF A CHILD

If you find for the plaintiff(s), you may allow pecuniary damages. They have no monetary limitation except that they should be the amount you find will fairly compensate for monetary losses sustained and reasonably expected to be sustained in the future.

You may also allow non-pecuniary damages. They have a monetary limitation in that they are not to total more than \$25,000.

Pecuniary damages are those reasonably measurable in money lost or to be lost in the future. For these you are not controlled by any maximum or minimum. They include any of the following items that you find resulted from defendant's wrongful conduct:

1. Loss of [services,] [attention,] [filial care,] [and protection].
2. Loss of financial support which the deceased child would have contributed to the parents during the remainder of their expected lifetimes.
3. Expenses for the care of the deceased caused by the injury and funeral expenses.

The non-pecuniary damages are not easily measurable in monetary value. You may not allow more than \$25,000 for the total of them. The survivor's(s') mental anguish, bereavement, loss of society, and loss of companionship are all items of non-pecuniary damages that you may find were sustained.

Editorial

Let's mandate the coverage

Remember when maternity benefits were not offered by all private companies, and many insurance companies did not include maternity benefits in their basic packages?

The government had to intervene and mandate maternity coverage.

That should make a strong case for the argument that you can't always leave it to the free market to work things out. In some circumstances, government intervention is a sound policy and is good for society.

I use that point to make another argument. Mental health insurance coverage should be provided in every company's benefit package and, more important, every insurance carrier should include benefits for inpatient and outpatient psychiatric expenses.

The Kansas Legislature will be considering a bill this week which will require insurance carriers to do just that. HB 2795 would mandate private insurance carriers to include inpatient and outpatient psychiatric and substance abuse treatment in their basic packages.

It's a national scandal that some insurance companies feel they can

get away with eliminating mental health coverage, and a great many private companies have taken the easy way out by not paying the extra charge for the coverage as an option. It shouldn't be an option.

An individual suffering from emotional problems, depression, or paralyzing anxiety should be entitled to visit their family physician or psy-



Stephen F. Rose

Co-Publisher

chiatrist without fear of having to pay 100 percent of the treatment.

Mental illness is just as real to the sufferer as a broken arm, and the pain is just as acute — if not more so. The therapy or medication prescribed is just as needed as the treatment for the common flu.

In an attempt to hold down insurance premiums for employers a

great many insurance carriers have decided that mental health coverage is a quick and easy way to lop off costs. The protesting clamor from the public has been limited, partly because many are embarrassed to step forward to admit there might be a mental health problem in the family.

The bill before the Kansas House, introduced by a Johnson County State Representative, Gary Blumenthal (D), would mandate coverage for persons requiring treatment for alcoholism, drug abuse or nervous or mental conditions "limited to not less than 100% of the first \$100 and 80% of the next \$500 in any year" when a person can be treated with outpatient care. Hospitalization coverage, under this bill, would include reimbursement for "not less than 30 days per year."

This mandated mental health coverage will not break the insurance companies, would only minimally increase insurance premiums for employers, and would be a giant step forward in recognizing that the mental and emotionally ill are entitled to insurance coverage under basic health programs.

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