Approved	February 12, 1985	
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MINUTES OF THE SENATE	COMMITTEE ON	FINANCIAL INSTITUTION	IS AND INSURANCE	
The meeting was called to order by	Sen. N	Neil H. Arasmith Chairperson	at	
9:00 a.m. XXXXX on	January 31	, 19 <u>85</u> in room _	529-S of the Capitol.	
All members were present except:				
Sen. Karr - Excused				
Committee staff present:				
Bill Wolff, Legislativ	ve Research			

Conferees appearing before the committee:

Bruce Kinzie, Revisor of Statutes

Larry Christ, Securities Commissioner
David Skidgel, Attorney at Law, Kansas City
Julia Young, Kansas Banking Department
Dick Brock, Kansas Insurance Department
Werner Gliebe, Kansas Employer Coalition on Health, Inc.
Sheryl Jacobs, Business Men's Assurance Company

The Chairman began the meeting by reminding the committee of the joint meeting to be held with the House committee on Tuesday, February 5, at 3:00 p.m. for an informative presentation by the Director of the National Insurance Commissioners Organization.

The Chairman called on Larry Christ of the Insurance Commissioner's office for his request for the introduction of a bill. (See Attachment I.) Mr. Christ explained to the committee that this bill had been passed in the Senate last session but had been overlooked on the House calendar and, thus, was not voted upon before the House adjourned. He added that when 17-1262a was passed two years ago, some words were misplaced which resulted in not expressing the legislative intent of the statute. The bill would clear up this technical fault.

Sen. Reilly made a motion to introduce the bill and refer it back to committee. Sen. Gordon seconded the motion, and it carried.

The hearing began on <u>SB 58</u> which amends the uniform consumer credit code and which was introduced at the request of the Consumer Credit Commissioner. Don Phelps, Consumer Credit Commissioner, introduced David Skidgel, an attorney from Kansas City, Kansas, to testify in support of the bill. He said that the need for this amendment came to his attention through some law suits with which he is involved. The suits were filed against the FDIC after it tried to collect on bad UCCC loans left by a closed bank. The statute dealing with this (16a 2-301) states that if not supervised by a financial institution, collections cannot be taken or made on loans under the UCCC. FDIC, not having a consumer loan license, was sued when it took collection on the UCCC loans from closed banks. There is a strong penalty for doing so. Mr. Skidgel said that the intent of the statute was not to ban the FDIC from the liquidation of assets. He, therefore, is asking that the UCCC be made to be specific in regard to the FDIC rather than letting the courts do it.

Sen. Harder asked if Kansas is the only state where this problem with the UCCC is occurring, and Mr. Skidgel answered that it is not. He added that the problem has arisen because of the credit system where the cost of funds outstripped the usuary ceiling in Kansas, and loans were made under the UCCC which were not intended in the UCCC.

Sen. Gannon inquired if this bill would affect the outcome of Mr. Skidgel's cases. Mr. Skidgel replied that it would not affect his cases at all but that he would like it cleared up for the future.

Julia Young, Kansas Banking Department, followed with testimony in support of the bill. She stated that she feels this legislation is in the public interest because when a bank is closed and the FDIC is appointed to liquidate, the process is handled very smoothly. The bill would close a questionable area and allow the FDIC smooth transitions.

Unless specifically noted, the individual remarks recorded herein have not

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE	SENATE	COMMITTEE ON	<u> FINANCIAL</u>	INSTITUTIONS	AND INSURANCE	
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room <u>529-S</u> , Statel	nouse, at9:0	0_a.m./xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx		Januarv 31		8 5.

The hearing on SB 58 was concluded.

The hearing on $\underline{\text{SB }19}$ which would allow insurance companies to offer alternative rates of payment with health care providers began with the Chairman asking Staff to review the background of the bill.

Staff explained that the bill is a result of an interim study made by the Special Committee on Public Health and Welfare which met for the purpose of studying health care cost issues. The committee came to the realization that there is increasing competition among health care providers. The statute (K.S.A. 40-231) prohibiting insurance companies from entering into direct negotations between health care providers was determined to be an impediment standing in the way of health care. The language in the bill would remove this impediment for insurance companies getting involved with the health care providers.

The Chairman called on Dick Brock, Kansas Insurance Department, for his testimony in support of the bill. He stated that K.S.A. 40-231 limits what insurance companies can do to transact insurance. He explained that the bill has been rearranged. When the bill was first printed, it was noticed that the rearrangement of subsection 1 (a) prohibiting insurance companies from doing anything except as provided in subsection (b) did not make sense without the excluded language. This was clarified by adding to subparagraph (3) in subsection (b) new language that will allow insurance companies to negotiate with health care providers as a third party. (See Attachment II.) This will allow insurance companies to deal with preferred provider organizations which is becomming popular.

Sen. Harder had a question as to subparagraph (b), subsection (2), as to how it is relative to health care. Mr. Brock explained that this statute does not deal only with health care but is intended to be a general statute applying to insurance companies for all insurance. He added that there will be a companion bill for health care providers.

Werner Gliebe, Kansas Employer Coalition on Health, Inc., gave testimony in support of $\underline{SB\ 19}$. (See Attachment III.) He added that he would also support Mr. Brock's companion bill.

Last to appear in support of <u>SB 19</u> was Sheryl Jacobs, Business Men's Assurance Company. She began by saying that she was appearing before the committee because she feels that it should hear from a commercial insurance carrier. She informed the committee that health insurance carriers have had a difficult time staying in business because they cannot make a profit. The marketplace is changing now, but commercial insurance carriers are not able to change with it. They need to be allowed to be competitive and to enter into preferred provider organization agreements if they are going to stay in the insurance business.

Sen. Strick inquired as to why the insurance companies do not have this opportunity. Ms. Jacobs answered that it is because they are limited by law. Staff explained further that 40-231 limits insurance to only selling insurance. It was amended a few years ago to authorize administrative service, but that is all. They still cannot enter into direct negotiaitons for a price; they must deal with the consumer, not the hospital.

The Chairman informed the committee that Don Snyder of Wichita, who represents the Sedgwick Counth Medical Cost Containment Round Table, was scheduled to testify in support of \underline{SB} 19 but could not come because of the weather. Mr. Snyder will be sending copies of his testimony supporting the proposal for the committee members. With this, the hearing on \underline{SB} 19 was concluded.

The Chairman asked the committee if it wished to act on the bills heard today.

Sen. Harder made a motion to recommend SB 58 favorably and that it be put on the Consent Calendar. Sen. Burke seconded the motion, and it carried.

Sen. Burke made a motion to adopt the proposed amendments offered by the Insurance Department on SB 19. Sen. Strick seconded, and the motion carried.

CONTINUATION SHEET

MINUTES OF THE	SENATE	COMMITTEE ON _	FINANCIAL INSTITUTIONS	AND	INSURANCE	
room <u>529-S</u> , Statehou			January 31			, 19 <u>85</u> .

Sen. Burke made a motion to report SB 19 favorably as amended. Sen. Harder seconded the motion. The motion carried.

The Chairman called attention to the minutes of the last meeting. The minutes were approved with the notation that Sen. Reilly's name had been misspelled in the fourth paragraph.

The meeting was adjourned.

ON

FINANCIAL INSTITUTIONS AND INSURANCE

OBSERVERS (Please print)

DATE

NAME

ADDRESS

REPRESENTING

L.M.CORNSA	Tophy	16 Quar PIC 65
Dick Brock	11	Ins Pept
John Peterson	<i>j</i> 1	Ks Hasa Prof Psychologist
Julia bing	1,	Ks Bauking Depor.
Son Phen O		loss, Ck. Comm.
David L. Skidgel	KCK	A .
John Smurey con	lauvence.	FULCE
John Springereon	Tapela	Ks. Hosp. Assa.
1 BOB CORN	Tapelor K<	,
ETTY THUSTER	11	Sauces LIFE KS MEDICAL SOCIETY
Julling		KBA
Shoup Jacobs	Kausas City	Business Mus assurance Co
Wemen Gliebe	Topeku	KS. Employer Corletion or Heal
M. Hauve	(Capital. Souverl,
DENNIS DEHN	·ū	SEN. WERTS INTERN
LEE WRIGHT	M15310N Ks	FARMERS INS. GROUP

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Session of 1984

SENATE BILL No. 859

By Committee on Federal and State Affairs

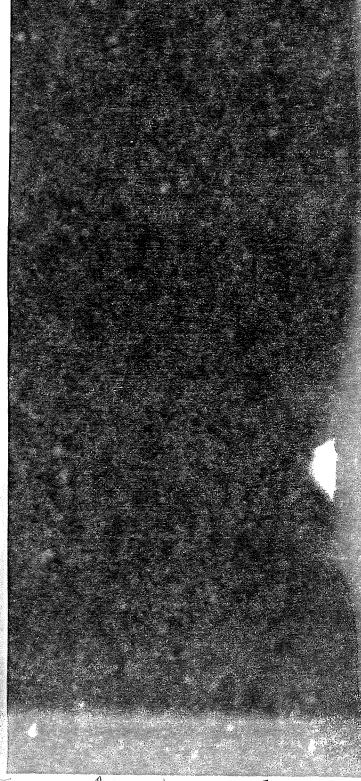
3-20

AN ACT concerning securities; certain exemptions from securi ties registration requirements; amending K.S.A. 1983 Supp.
 17-1262a and repealing the existing section.

0018 Be it enacted by the Legislature of the State of Kansas:

O019 Section 1. K.S.A. 1983 Supp. 17-1262a is hereby amended to 0020 read as follows: 17-1262a. (a) As used in this section:

- 0021 (1) "Commission or other remuneration" shall include any 0022 consideration, compensation or fees paid or given to an agent in 0023 exchange for the agent's services, except that "commission or 0024 other remuneration" shall not include any interest in the oil and 0025 gas estate, including any overriding royalty interest, or the pro-0026 duction therefrom so long as the identity of the person or persons 0027 owning or holding any such interest and the extent of such 0028 interest is fully disclosed to all purchasers.
- 0029 (2) "Public advertising or public solicitation" means any 0030 offers to sell or sales that are effected by means of any advertising 0031 or general solicitation printed in any brochure, prospectus, of-0032 fering memoranda, handbill, newspaper, magazine, periodical or 0033 other publication of general circulation and mailed or delivered 0034 to its subscribers or addressees, or communicated by radio, 0035 public seminar, television, general telephone solicitation, or 0036 similar means.
- 0037 (3) "Purchasers" means any individual, corporation, partner-0038 ship, association, joint stock company, trust or unincorporated 0039 organization, except that if such entity was organized for the 0040 specific purpose of acquiring the oil or gas interests offered, each 0041 beneficial owner of equity interests or equity securities in such 0042 entity shall count as a separate purchaser.
- 0043 (b) Except as hereinafter expressly provided, K.S.A. 17-1254,





Altachment I

17-1255, 17-1256, 17-1257, 17-1258, 17-1259 and 17-1260, and lendments thereto, shall not apply to any offer to sell or sale of any limited partnership interest involving, or any fractional or undivided interest, or any certificate based upon any fractional or undivided interest in any oil or gas royalty, lease or deed, including subsurface gas storage and payments out of production, if the land subject to the interest or certificate is situated in terms and:

- 0052 (1) All sales are made to persons who are and have been 0053 during the preceding two years engaged primarily in the busi-0054 ness of drilling for, producing, or refining oil or gas or whose 0055 corporate predecessor, in the case of a corporation, has been so 0056 engaged or whose officers and 2/3 of the directors, in the case of a 0057 corporation having an existence of less than two years, have each 0058 been so engaged; or
- 0059 (2) all sales are made to not more than a total of 32 purchasers 0060 without regard to whether the purchasers reside within or with-0061 out the state of Kansas, and:
- 0062 (A) The seller of such interests reasonably believes that all 0063 purchasers of such interests are purchasing for investment and 0064 not for resale; and
- 0065 (B) no commission or other remuneration is paid or given 0066 directly or indirectly for the solicitation, offer to sell or sale of 0067 any such interests; and
- 0068 (C) no public advertising or public solicitation is used in 0069 connection with the solicitation, offer to sell or sale of any such 0070 interest; or
- 0071 (3) all sales of such interests involve properties that produce 0072 oil or gas or petroleum products in paying quantities on the date 0073 of sale and the seller, subsequent to the sale, does not retain any 0074 ownership interest in or control over the lease or the interest or 1075 interests that are being sold.
- core (c) The exemption provided by this section shall not be cumulative to or used in conjunction with any other exemption provided under K.S.A. 17-1262 and amendments thereto, nor any exemption provided by this section or by K.S.A. 17-1080 and amendments thereto, other than the exemption pro-

vided by subsections (a), (e) or (n) of that section or by this one section, be available for any offer to sell or sale of any limited partnership interest involving, or any fractional or undivided therest, or any certificate based upon any fractional or undivided vided interest in any oil or gas royalty, lease or deed, including subsurface gas storage and payments out of production.

O087 Sec. 2. K.S.A. 1983 Supp. 17-1262a is hereby repealed.
O088 Sec. 3. This act shall take effect and be in force from and

0089 after its publication in the statute book.

SENATE BILL No. 19

By Special Committee on Public Health and Welfare

Re Proposal No. 40

12-19

Onle AN ACT relating to insurance; concerning certain prohibitions on business activities by insurance companies; amending K.S.A. 40-231 and repealing the existing section.
 Onle Be it enacted by the Legislature of the State of Kansas:
 Onle Section 1. K.S.A. 40-231 is hereby amended to read as fol-

lows: 40-231. (a) Except as otherwise provided in subsection (b), no insurance company shall directly or indirectly deal or trade in goods, wares or, merchandise or other commodities, except such

16026 as may have been insured by it and such as may be sold under

10027 judicial process or otherwise, in which, or in the profits of the 10028 sale of which, it may be interested by reason of having pre-

0029 viously entered into any contract of insurance, indemnity or

0030 suretyship.

(b) This section shall not prohibit a an insurance company: 0032 (1) From entering into an agreement to provide administrative 0033 services to a person, firm or corporation with respect to legally 0034 constituted plans of insurance or indemnity; (2) from directly or 0035 indirectly dealing or trading in goods, wares, merchandise or 0036 other commodities which are insured by the insurance company 0037 or which may be sold under judicial process or otherwise; or (3) 0038 from negotiating and entering into contracts for alternative

0039 rates of payment with health care providers, and offering the 0040 henefit of such alternative rates to insureds who select such

0041 providers.

OO42 Sec. 2. K.S.A. 40-231 is hereby repealed.

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

Delete.

-or other parties who have arranged for alternative rates of payment with health care providers

Atch. 1 1/31/85



Over the past 30 years, health care has been the fastest rising cost of doing business in America. Health care costs continue to increase faster than the overall inflation rate, affecting the bottom line financial results of business throughout the country.

Kansas employers now spend about \$750 million every year on health benefits! The 1984 KECH survey of 335 Kansas employers found health benefits costs had increased about 20% in each of the last three years. About 1/4 of all employers had premium increases over 29% in the past year. The survey made several observations.

Continued efforts by more employers to increase the price sensitivity of consumers are needed, including increased cost-sharing through higher deductibles and copayments. Interim steps like utilization review and mandatory second surgical opinions should become more common. Employer use of negotiated payment arrangements with efficient providers will increase. Employee incentives to improve health should also be increased to improve productivity as well as lower long term health benefits expenses.

The Kansas Employer Coalition on Health (KECH) became active in May, 1983 in supporting Kansas employers in their efforts to contain health care cost growth.

The primary mission of KECH is to pursue an effective strategy to contain health care costs, by:

- Controlling growth in consumer demand
- Increasing health system efficiency
- Controlling growth in health resource supply

KECH Objectives

- More cost effective delivery of health services
- More competitive choices for consumers
- More appropriate use of services by consumers
- Improved health through prevention

Current Major Activities

- Education
 - Conferences
 - Seminars
 - Bulletins
 - Newsletters
- Make price data for hospital/physician services available to employers.
- Work with the legislature on issues of concern to employers.
- Cooperate with state government in cost containment efforts.
- Cooperate with hospitals and physicians in activities consistent with KECH goals.
- Provide technical and staff support to members in local community cost containment efforts.

As of August, 1984 there were 77 employer members with over 27,000 full time employees, 59,000 dependents, and 125,000 Medicaid eligibles. KECH membership is open to all employers, in both the public and private sectors. including health insurors and health providers.

APPLICATION MEMBERSHIP

Employer Coalition on Health. the Kansas member of The following organization wishes to become a

Name of Company/Organization

Contact Person

membership investment is \$1.50 for each full time equivalent (FTE) Kansas based employee receiving health benefits, with a maximum of \$3,000. Gliebe, Managing Consultant iployer Coaltion on Health Harrison St.

Number of Kansas Employees*

send me more information.

Payment enclosed

Please return this form to:

MEMBERS

Acme Foundry, Inc. Ag Press, Inc. Allen Press, Inc. Armfield-Cole Consultants, Inc. Balderson Inc. Blue Cross and Blue Shield of Kansas Business Men's Assurance Co. of America Cessna Aircraft Company Clair Law Associates Clennan-Martell Agency Community Hospital, Onaga Consolidated Benefit Plans, Inc. Delta Dental Plan of Kansas Didde Graphic Systems Corporation Dillon Companies, Inc. Dorth Coombs Insurance, Inc. E.I. duPont de Nemours & Co., Inc. Episcopal Diocese of Kansas Equitable Life Assurance Society of U.S. Exline, Inc. Fuller Brush Company Gaines Foods Goodyear Tire & Rubber Company Great Plains Ventures, Inc. Great Western Manufacturing Co., Inc. Health Care Plus, Inc. HealthCheck, Inc. Health Systems Agency of N.E. Kansas Health Systems Agency of S.E. Kansas Insurance Management Associates, Inc. Internal Medicine, P.A. K. C. Coatings, Inc. Kansas Chiropractors Association Kansas City Health Care Kansas City, KS Area Chamber of Commerce Kansas Farm Bureau & Affiliated Companies Kansas Foundation for Medical Care, Inc. Kansas Hospital Association Kansas Medical Society Kansas Pharmacists Association Kansas Power & Light Company Kennedy and Coe Key Industries, Inc. Krause Plow Corporation, Inc. Kustom Electronics, Inc. LaHood & Associates Lawrence Paper Company Legg Company, Inc. Love Box Company M-C Industries, Inc. Main Hurdman, C.P.A.s Marsh & McLennan Group Associates, Inc. Martin Tractor Company McNally Pittsburg, Inc. Merchants National Bank Midwest Solvents Company, Inc. Mize, Houser, Mehlinger & Kimes Monarch Cement Company N.R. Hamm Quarry, Inc. Orthopedic & Sports Medicine of Wichita Quaker Oats Company Radiology & Nuclear Medicine, P.A. Ritchie Corporation SHARE, Inc.

Security Benefit Group, Inc.
St. Francis Hospital & Medical Center
St. Margaret's Mercy Hospital
State Department of Social & Rehabilitation Services
Stauffer Communications, Inc.
Stormont-Vail Regional Medical Center
The Broderick Company
The Wichita Clinic
The Wichita Eagle & Beacon Co., Inc.
Thiss Companies, Inc.
TRW Oilwell Cable Division
Warner Manufacturing Company
Women's Clinic

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COALTH CARE
HEALTH CARE



KANSAS EMPLOYER COALITION ON HEALTH, INC. 1271 SW HARRISON TOPEKA, KS 66612 (913) 233-0351



1271 S.W. Harrison • Topeka, Kansas 66612 • (913) 233-0351

TESTIMONY ON SENATE BILL 19

BEFORE THE

SENATE COMMITTEE ON COMMERCIAL AND FINANCIAL INSTITUTIONS

January 31, 1985

Good Morning, members of the Committee. I am Werner Gliebe, managing consultant for the Kansas Employer Coalition on Health (KECH). KECH is a statewide organization of employers formed because of employer concern about rising health benefits costs, which over the past 30 years has been the fastest rising cost of doing business in America. Today, KECH represents 90 employer members who pay the health bills for over 70,000 full time employees, plus about 100,000 dependents and 125,000 Medicaid eligibles, more than 12% of the total Kansas population. A list of members by primary location is attached.

The primary mission of KECH is to achieve long term changes in health care by:

- O Controlling growth in consumer demand,
- O Increasing competition and health system efficiency, and
- O Controlling growth in health resource supply.

All its actions are aimed toward these ends, while being aware of the need to assure health care quality.

The bill before you today is a direct response to testimony by KECH last fall before the Special Committee on Public Health and Welfare. At that time, we suggested two practical steps that could be taken to increase competition and further cost containment in health care in Kansas. One step is to make price information available to consumers, employers and purchasers so that cost can become one factor in the choice of medical

1/31/85 Attachment III Testimony on Senate Bill 19 before the Senate Committee on Commercial and Financial Institutions

services. The other is to allow all types of purchasers to negotiate alternative rates of payment with providers, the subject of S.B. 19.

S.B. 19 modifies K.S.A. 40-231 which has been interpreted by the Insurance Department as prohibiting insurors from entering into preferred provider arrangements. It gives insurors the right to negotiate for lower rates with providers that is already available to union trust funds, self insured employers and non-profit health service organizations like Blue Cross and Blue Shield of Kansas and Kansas City. The incentives for providers often include additional volume and prompt claims payment.

In order to protect Kansas consumers, a companion bill has been drafted by the Insurance Department with input from KECH, major employers, physicians, hospitals, and insurors. That bill describes the arrangements permitted under S.B. 19. All of the parties involved strongly support both bills. Their passage will move toward equity among all purchasers in their relationships with providers while dramatically furthering a competitive environment in health care in Kansas.

Several insurors, hospitals, third party administrators, physician groups and large employers are now preparing to structure preferred provider arrangements in anticipation of prompt action on both S.B. 19 and its companion bill. The members of KECH urge you to support this competitive initiative.

Thank you for the opportunity to present these remarks. I would be pleased to answer any questions you may have.



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Topeka, K S 66606

913/354-6112



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Marsh & McLennan Group Assoc., Inc.
Radiology & Nuclear Medicine
E.K. du Pont de Nemours & Co., Inc.
Kansas Dept. of Social & Rehabilitation Services
Medevac Midamerica, Inc.
The Menninger Foundation
Kansas State Employees Health Care Commission
Employee's Benefit Association (EBA)



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KECH MEMBERS BY PRIMARY LOCATION

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EMPORIA

Didde Graphic Systems Corporation

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Key Industries, Inc.

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GARNETT

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KANSAS CITY, KS

Kansas City, KS Area Chamber of Commerce

KANSAS CITY, MO

Business Men's Assurance Company of America

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Allen Press, Inc. TRW Oilwell Cable Division



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KECH MEMBERS BY PRIMARY LOCATION

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LENEXA

K.C. Coatings, Inc.

Robbie Manufacturing, Inc.

MANHATTAN

Kansas Farm Bureau and Affiliated Companies

Ag Press, Inc.

Clair Law Associates/Gardner & White

MCPHERSON

The Wall-Rogalsky Milling Company

National Cooperative Refinery Association

ONAGA

Community Hospital District #1

OVERLAND PARK

LaHood & Associates, Inc.

The Equitable Life Assurance Society of the U.S.

PERRY

N.R. Hamm Quarry, Inc.

PITTSBURG

McNally Pittsburg, Inc.

SALINA

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Kennedy and Coe

SHAWNEE MISSION

Kansas City Health Care

WAMEGO

Balderson, Inc.