

## HOUSE BILL No. 2703

By Committee on Insurance

Requested by Representative Sutton

2-4

1 AN ACT concerning insurance; relating to accident and health coverage;  
2 enacting the Kansas health insurance affordability transparency act;  
3 requiring the Kansas department of insurance to prepare a report upon  
4 the request of a legislator concerning the financial impact to covered  
5 individuals that would result from the passage of certain health  
6 insurance legislation.

7  
8 *Be it enacted by the Legislature of the State of Kansas:*  
9 Section 1. This act shall be known and may be cited as the Kansas  
10 health insurance affordability transparency act.

11 Sec. 2. As used in this act:  
12 (a) "Act" means the Kansas health insurance affordability  
13 transparency act.  
14 (b) "Administrator" means the same as defined in K.S.A. 40-3801,  
15 and amendments thereto.

16 (c) "Cost-sharing" means any amount other than a premium that a  
17 covered individual is required to pay out-of-pocket on a health insurance  
18 claim, including, but not limited to, a deductible, coinsurance or co-  
19 payment.

20 (d) "Covered individual" means a member, policyholder, subscriber,  
21 enrollee, beneficiary, dependent or other individual covered by any of the  
22 following policies or other contracts that are designed to protect an  
23 individual against risk or loss:

24 (1) Accident and health insurance, including any type of coverage  
25 listed in K.S.A. 40-2218(a), and amendments thereto;  
26 (2) dental insurance;  
27 (3) vision insurance; or  
28 (4) medicare supplement insurance.

29 (e) "Department" means the Kansas department of insurance.

30 (f) "Health insurance legislation" means any bill that has been  
31 introduced in either chamber of the legislature during the current  
32 legislative session and includes any new:

33 (1) Requirement for minimum health insurance coverage, including  
34 requiring coverage for specific health conditions, products, medications,  
35 healthcare procedures or services;

1       (2) requirement on the amount or type of cost-sharing that a health  
2 insurer or administrator may require a covered person to pay;

3       (3) fee or other licensure requirement for a health insurer or an  
4 administrator;

5       (4) tax or change to tax rates paid by a health insurer or an  
6 administrator;

7       (5) prohibition on any business practice of a health insurer or an  
8 administrator; or

9       (6) mandate requiring a health insurer or administrator to conduct  
10 business with respect to a covered person, contracted service provider or  
11 any state governmental agency.

12       (f) "Health insurer" means the same as defined in K.S.A. 40-4602,  
13 and amendments thereto.

14       Sec. 3. (a) Upon request from any legislator, the department shall  
15 compile and produce a report describing the financial impact to covered  
16 individuals that would result from the passage of the health insurance  
17 legislation.

18       (b) To produce the financial impact report, the department shall issue  
19 a data call to health insurers and administrators authorized by the  
20 commissioner to do business in the state that may be impacted by the  
21 health insurance legislation. The data call shall require such health insurers  
22 and administrators to provide:

23       (1) A statement of whether the health insurance legislation, if enacted,  
24 would be:

25           (A) Preempted, in whole or in part, by federal law; and

26           (B) expected to increase or decrease insurance premiums;

27       (2) the aggregate amount of increased or decreased premium costs  
28 reasonably anticipated to result during the first plan year following the  
29 passage of the health insurance legislation and whether those costs will be  
30 one time only or recurrent;

31       (3) an estimate of the total number of Kansans who are reasonably  
32 anticipated to experience:

33           (A) An increase in premium costs if the health insurance legislation  
34 became law. Such estimate shall include Kansans who are members of  
35 insurance plans regulated by the federal government and enrollees of  
36 insurance plans sponsored by government entities; and

37           (B) a reduction in net costs including any changes to premiums and  
38 cost-sharing if the health insurance legislation became law.

39       (c) The department shall produce the report described in subsection  
40 (b) within the time frame specified by the legislator requesting such report,  
41 except that the department shall allow health insurers not less than two  
42 business days to supply the data requested.

43       (d) Knowingly submitting false information to the department

1 pursuant to this section shall be considered an unfair or deceptive act for  
2 the purposes of unfair trade practice law, K.S.A. 40-2404, and  
3 amendments thereto.

4 Sec. 4. (a) The final report described under section 3, and  
5 amendments thereto, shall not include the name of a health insurer in  
6 connection with any data. Such data shall also be deidentified and  
7 aggregated to prevent disclosure of protected trade secret information.

8 (b) Information obtained by the department in the course of  
9 compiling a report described under section 3, and amendments thereto,  
10 shall be confidential by law and privileged, shall not be subject to the open  
11 records act, K.S.A. 45-215, and amendments thereto, and shall not be  
12 subject to disclosure or admissible as evidence in any private civil action.  
13 The provisions of this subsection shall expire on July 1, 2031 unless the  
14 legislature reviews and reenacts this provision pursuant to K.S.A. 45-229,  
15 and amendments thereto, prior to July 1, 2031.

16 Sec. 5. This act shall take effect and be in force from and after its  
17 publication in the statute book.