

MINUTES OF THE HOUSE COMMITTEE ON INSURANCE.

The meeting was called to order by Chairperson Rep. Robert Tomlinson at 3:30 p.m. on February 20, 2001 in Room 527-S of the Capitol.

All members were present except:

Committee staff present:

Bill Wolff, Legislative Research
Ken Wilke, Legislative Revisor

Conferees appearing before the committee:

Representative Barbara Ballard
Representative Jo Ann Pottoroff
Representative Judy Morrison
Representative Mary Compton
Representative Judy Showalter
Ms. Kay Kent, Lawrence/Douglas County Health Department
Mr. Bill Sneed, Health Insurance Association of America
Mr. Brad Smoot, Blue Cross Blue Shield
Ms. Larry Ann Lower, Kansas Association Health Plans
Terry Leatherman, Kansas Chamber of Commerce & Industry
See Attached Guest List

Others attending:

The Chairman informed the committee that **HB 2209** had been blessed. The Chairman then recognized Representative Barbara Ballard. Representative was before the committee to give Proponent Testimony on **HB 2446** - Insurance coverage for diagnosis and treatment of osteoporosis. A copy of Representative Ballard's testimony is (Attachment #1) attached hereto and incorporated into the Minutes by reference. She explained the reason for the bill is "to provide coverage to individuals with a condition or medical history for which bone mass measurement (bone density testing) is determined necessary for the individual's diagnosis and treatment of osteoporosis." She spoke on age, testing, and numbers of people with the problem. She spoke of the early need for detection. Representative Ballard then stood for questions. A question was asked by Chairman Tomlinson.

The conferees to come before the committee were Representatives Pottoroff, Morrison, Showalter, Compton. A copy of each written testimony is (Attachment #'s 2, 3, 4) attached hereto and incorporated into the Minutes by reference. Representative Morrison addressed the committee but did not have written testimony. Each Representative supported the testimony of Representative Ballard and spoke of people they each knew with the problem or their own personal experience with osteoporosis. A question was asked by Chairman Tomlinson and directed to Representative Pottoroff.

Ms. Kay Kent, Lawrence/Douglas County Health Department, was the next conferee before the committee. Ms. Kent also gave Proponent Testimony to the committee and a copy of the testimony is (Attachment #5) attached hereto and incorporated into the Minutes by reference. Ms. Kent related the same information on the disease. She informed the committee that many people do not know they have the disease until they fall, bump, bruise or break a bone. She urged the committee to support the bill for coverage to offset the high costs associated with the disease. There were no questions.

Ms. Linda DeCoursey, Kansas Insurance Department and Ms. Sally Finney, Kansas Public Health Association, Inc., both presented written testimony supporting the bill. A copy of each of the testimonies are (Attachment #'s 6, 7) attached hereto and incorporated into the Minutes by reference.

Mr. Bill Sneed, Health Insurance Association of America, came before the committee to present Opponent Testimony. A copy of the testimony is ([Attachment #8](#)) attached hereto and incorporated into the Minutes by reference. Mr. Sneed stated that his 255 plus members provide health insurance to approximately 110,000,000 Americans and they were unaware of any insurance contract that did not cover this type of testing if the physician deemed it “medically necessary.” He stated that they would not cover it if someone just walked in off of the street to some physician or clinic and decided to have all of these tests run. The test had to be prescribed or ordered by your physician and would need to be “medically necessary.” In Mr. Sneed’s testimony is a study by Dr. Gail A. Jensen and Dr. Michael A. Morrissey on mandated benefit laws and employer-sponsored health insurance. Mr. Sneed and his clients feel this document shows that mandated coverages drive costs of insurance up and have the opposite effect on the marketplace. Mr. Sneed stood for questions.

Questions came to Mr. Sneed from Representatives Toelkes, Huff, Kirk, Sharp, O’Brien, Huy. Mr. Sneed reaffirmed that this coverage is already in place in the consumers policy. He again confirmed that “To the best of our knowledge, all insurance contracts under the purview of the Kansas Insurance Department require coverage for “medically necessary” testing and/or treatment.”

The next conferee before the committee was Mr. Brad Smoot, Blue Cross, Blue Shield. Mr. Smoot also gave Opponent Testimony opposing the bill as it is written. A copy of this testimony is ([Attachment #9](#)) attached hereto and incorporated into the Minutes by reference. Included in Mr. Smoot’s testimony was a balloon and a letter from Dr. Barbara Lukert, M.D., Director of the Hiatt Osteoporosis Center at the University of Kansas School of Medicine and Hospital. Mr. Smoot, Dr. Lukert and Mr. Smoot’s clients do support the testing and treatment when it is medically indicated. Dr. Lukert set out indicators that assist in knowing if the testing is necessary, and supports the tests and treatment under “appropriate circumstances.”

The balloon offered by Mr. Smoot strikes the “resolution style” language of Section 1 and adds language to “expand the scope of the bill to affect more people yet narrowing the mandate to those situations where good medical practice indicates a need for the testing or treatment.” Mr. Smoot stood for questions. Questions were asked by Representatives Toelkes, O’Brien, Sharp and Huff. Again it was stated the coverage was there if it was “medically necessary” and that Blue Cross/ Blue Shield already followed this procedure.

Ms. Larry Ann Lower, Kansas Association of Health Plans, stood in Opposition of the bill and offered testimony to support her Opposition. A copy of the testimony is ([Attachment #10](#)) attached hereto and incorporated into the Minutes by reference. Ms. Lower supported the testimony previously offered by Mr. Sneed and Mr. Smoot and stated all thirteen HMO’S cover such expenses if such meets the points of testing. She also confirmed she was comfortable with Mr. Smoot’s balloon.

Mr. Terry Leatherman, Kansas Chamber of Commerce and Industry was the final conferee to offer Opponent Testimony. A copy of the testimony is ([Attachment #11](#)) attached hereto and incorporated into the Minutes by reference. Mr. Leatherman offered no new testimony and confirmed he was comfortable with the offered balloon.

Public hearings on the bill were closed.

The next item of business was **HB 2422** - Suspended drivers licence; reinstatement hearing under certain circumstances. Representative Karen DeVita, offered Proponent Testimony to the committee and a copy of her testimony is ([Attachment #12](#)) attached hereto and incorporated into the Minutes by reference. Ms. Sheila Walker and Mr. Harry Tiffany, of the Kansas Motor Vehicle Department were here to answer questions but had no written testimony.

Representative DeVita explained the bill to the committee stating the bill inserting a mechanism for reinstatement of a suspended license when the uninsured motorist or owner has fulfilled the requirements of current law by insuring the vehicle and paying the damages, especially when the party cannot find the second party to gain a release of obligation. At the present there is no such mechanism in place, but there is a two year waiting period should you not be able to locate the other party for their signature. She stated that this puts an undo burden on the violator who has done all that can be done to meet the current statute.

Representative DeVita concluded by saying that this amendment is a common sense remedy to create fair balance in the current law. She stood from questions and discussion from Chairman Tomlinson, Representatives Edmonds, Sharp, Grant, Huy, Boston and O'Brien, Mayans, Huff. The response included the statement that the bill sets in an administrative hearing.

Ms. Sheila Walker and Mr. Tiffany rebuffed some of the testimony stating that administrative hearings take place. Rep. DeVita cited cases where these meeting have not taken place or been available. Rep. DeVita also stated the amendment key word are "paid" not "entered into an agreement" as stated by the Department of Vehicles.

With no further testimony or discussion the hearing was closed.

The committee move on the work **HB 2306**, the Viatical bill. The committee was referred to the previous balloon. The motion was made by Representative Edmonds to adopt the sub bill and the was seconded by Representative Sharp. The motion was opposed by Representative Mayans. Representative Phelps--no laws governing viaticals. There was a motion to table the bill by Representative Boston and seconded by Representative Mayans. A hand vote was taken, 4voted yes and the rest opposed. Back on the motion with more discussion. Another hand vote taken and the motion carried 9-6, Representative voted no.

With this business completed the meeting was adjourned. The time was 6:10 p.m.

The next meeting will be held. March 1, 2001.