Kansas Insurance Department- COVID-19 FAQ
*information organized alphabetically and includes the Securities Division

UPDATED- 6/16/2020 5:00 p.m.

On March 17, 2020, Commissioner Vicki Schmidt issued Bulletin 2020-1, regarding Department operations. It can be found at https://insurance.kansas.gov/legal-issues/

On March 27, 2020, Commissioner Vicki Schmidt extended remote operations for the Department during the Shawnee County 30-day stay at home order. The release can be found here: https://insurance.ks.gov/documents/department/news-releases/Kansas-Insurance-Department-Operations-3-27.pdf

CONTACT INFORMATION
Main Line: (785) 296-3071
Consumer Assistance Hotline: 1-800-432-2484
Email: KID.Commissioner@ks.gov
Website: Insurance.kansas.gov

Additional Resources from the National Association of Insurance Commissioners:

Questions about the State Employee Health Plan
http://www.kdheks.gov/hcf/sehp/

Questions about Medicare & COVID-19
https://www.medicare.gov/medicare-coronavirus

Questions about Medicaid & COVID-19

Anti-Fraud
As with any emergency or disaster, there are persons or entities that seek to take advantage of distressed persons or businesses. What can I do to protect myself?
Insurance is a regulated product that provides protection to consumers in the event of certain occurrences. It is important that consumers and business are aware of the nature of the transactions they enter into. Consumers should be aware of unlicensed products and should approach offers of newly formed “guaranty funds” or similar products with due diligence. Verify if the company seeking your business is licensed in Kansas by visiting our website at https://insurance.ks.gov/department/company-search.php

The Department has also put together a document outlining some of the scams we are seeing. https://insurance.ks.gov/documents/department/COVID19-Insurance-Scams.pdf

**Businesses**

*I have a business interruption insurance policy for my business. Does it cover pandemic related losses?*

Business owners are encouraged to read their policies closely. However, it is the Department’s understanding that it is unlikely that a business policy would cover losses related to COVID-19, as most business policies have communicable disease exclusions. Businesses should read their policies closely for all exclusions. Communications from the Kansas Insurance Department that provide general information should not dissuade a business from filing a claim if there is a possibility of coverage. If there is a question of coverage, business owners are encouraged to reach out to their company and/or agent, and if needed should reach out to our Consumer Assistance Division at 1-800-432-2484. Complaints can also be emailed to kid.webcomplaints@ks.gov.

Also note, the Kansas Department of Commerce has established a Hospitality Industry Relief Emergency Fund to provide bridge loans for Kansas’ hospitality sector during the COVID-19 crisis. https://www.kansascommerce.gov/covid-19-response/hospitality-industry-relief-emergency-hire-fund/

For more information regarding federal action, see the release from NAIC. https://content.naic.org/article/statement_naic_statement_congressional_action_related_to_covid_19.htm

*Is an insurance agency or company considered an essential business under financial services and allowed to continue operations during the statewide “stay home” order?*

Yes. While the Commissioner of Insurance does not have the authority to issue or enforce a “stay at home” or “shelter in place” order, the Department’s interpretation of Executive Order 20-16 is that “insurance services” are considered an “essential function” within the Kansas Essential Function Framework (KEFF). Affected individuals and entities are encouraged to read the executive order carefully to determine possible limitations on operations and precautions that should be taken. Questions about the executive order should be directed to Governor Kelly at keff@ks.gov.
My payroll has decreased because of having to furlough employees. Will I see a reduction in premiums for workers compensation?

On April 22, 2020, the Kansas Insurance Department approved a rate and rule filing made by National Council on Compensation Insurance, Inc. (NCCI). In the filing, NCCI updated rules relating to definitions, treatment, and reporting of payments by an employer to paid furloughed employees as a result of government orders, laws or regulations issued due to COVID-19 which impact an employer’s staffing or business operations.

Employers and agents should read the updated definitions of “paid furloughed employees” and payments to “paid furloughed employees” carefully; keep separate, accurate, and verifiable records; and consider the effect of having workers perform services during the time the employer considers them furloughed. Questions should be directed to your agent or NCCI.

Will there be any help agents can get to replace the income lost from COVID-19?

The Kansas Insurance Department does not have any financial resources available to agents, agencies or companies due to the loss of revenue because of COVID-19. We encourage you to look to other government resources that are focused on assisting businesses such as:

Kansas Department of Commerce
https://www.kansascommerce.gov/

U.S. Department of Commerce
https://www.commerce.gov/

Consumer Assistance
If I am fired or reduced from full-time to part-time, do I get to keep my benefits through my employer and if so, for how long?

You would be eligible for either COBRA or state continuation, depending on the group size, which can be confirmed with your Human Resources Department and it is usually available for 18 months. Another option would be to enroll in a spouse's or parent's coverage if available as the loss of coverage would be considered a qualifying event. If fired or reduced to part-time, you would also qualify for a Special Enrollment Period (SEP) on or off the Exchange and be able to shop for an individual policy. You could also obtain a Short-term limited duration plan, subject to medical underwriting. There are also other member health benefit plans available, outside of the jurisdiction of the Kansas Insurance Department.

How can I contact someone about an insurance issue?

The Department will continue to be a resource for the public, but we encourage everyone to first check the resources available on our website, insurance.kansas.gov or by calling the Department's consumer assistance division at 1-800-432-2484. Complaints can also be emailed to kid.webcomplaints@ks.gov.
The Chat feature on the Kansas Insurance Department’s website is offline. Can I still use it?
Yes. If you use the Chat feature while it is offline, it will send us an email instead of an instant message. Please be sure to include all of your contact information if you use it. The Chat feature will be offline March 23 until May 3.

Will my health insurance pay for the COVID-19 test?
On March 13, 2020, the Kansas Insurance Department put out a release confirming that all major medical insurance carriers for fully insured plans are committed to waiving the cost sharing for Novel Coronavirus testing. The release can be found at insurance.kansas.gov/news.

How else are health insurers responding to COVID-19?
The Department reached out to health insurers and learned they are implementing their contingency plans as need and are shifting employees to work from home, including claims processing and customer service. Many are also making changes to their internal policies regarding telemedicine and prescription drugs. For specific information on what your health insurer is doing, please visit their website. We have listed them below for convenience.

Major Medical Insurance Companies:
Aetna Health, Inc.
www.aetna.com

Aetna Life Insurance Company
www.aetna.com

Blue Cross and Blue Shield of Kansas
www.bcbsks.com

Blue Cross and Blue Shield of Kansas City
www.bluekc.com

Cigna Health and Life Insurance Company
www.cigna.com

Coventry Health Care of Kansas
www.aetna.com

Coventry Health & Life Insurance Company
www.aetna.com

Humana Health Plan, Inc.
www.humana.com
What does my policy cover?
Consumers are encouraged to read their policies closely and not rely on blanket statements made in the media about what is or is not covered under a type of policy. If there is a question of coverage, consumers are encouraged to reach out to their company and/or agent and, if needed, should reach out to our Consumer Assistance Division at 1-800-432-2484. Complaints can also be emailed to kid.webcomplaints@ks.gov.

If I am fired or reduced from full-time to part-time, and lose my health insurance, what are my options?
- You would be eligible for either COBRA or state continuation, depending on the group size, which can be confirmed with your Human Resources Department and it is usually available for 18 months.
- If fired, you would qualify for a Special Enrollment Period (SEP) on or off the Exchange and be able to shop for an individual policy.
- You could also obtain a Short-term limited duration plan, subject to medical underwriting. See list above.
• There are also other member health benefit plans available, outside of the jurisdiction of the Kansas Insurance Department.

**Does the Kansas Insurance Department provide any guidance regarding the dispensing of medication?**
The Department does not regulate pharmacists or pharmacies. Questions regarding the dispensing of medication or other pharmaceutical-related matters should be directed to the Board of Pharmacy. [https://pharmacy.ks.gov/](https://pharmacy.ks.gov/)

**Are health insurers covering telehealth services due to COVID-19?**
The Commissioner of Insurance does not have the authority to mandate expansion of telehealth services or modifications in reimbursement amounts. However, we know many health insurers, but not all, are voluntarily making changes to allow telehealth services and to modify their payment practices to reimburse those services at the same level as in-person services. We encourage everyone to check with their health insurer regarding the coverage of telehealth services.

**Are health insurers covering 90-day supplies of medication?**
Many companies, but not all, are adjusting policies to allow early refills of maintenance medications and/or extending refills from 30-day supplies to 90-day supplies. The time periods for these adjustments vary by company. The Department encourages all consumers to reach out to their insurer for information on what they are covering.

**Has the department put a moratorium in place on insurance policy cancellations due to non-payment of premium?**
The Department is committed to protecting consumer rights under current law. However, the Commissioner of Insurance does not have the authority to mandate a moratorium on policy cancellations due to non-payment of premium. Consumers are encouraged to work directly with their insurer to explore options on payment plans, extended grace periods, etc. If a violation of law is suspected, contact our Consumer Assistance Division at 1-800-432-2484 or complaints can be emailed to kid.webcomplaints@ks.gov.

**What are auto insurers doing to help consumers during the COVID-19 crisis?**
Some companies, but not all, have announced measures to help consumers during this time such as rebates on premiums paid or discounts on rates. Kansas consumers should reach out to their auto insurer to find out the relief options that may be available to them.

**Department Operations**

**Is the Kansas Insurance Department open?**
The Department is currently working with a reduced staff through alternative working arrangements. All Department operations, except for those conducted by essential personnel, will be suspended at our location, 1300 SW Arrowhead, Topeka, Kansas, beginning March 23 until at least May 3. Those personnel equipped to work remotely will be doing so during that time period. The Department is not open to the public during this time.

**Can I still mail things to the Department?**

Yes, but with the building closed we will have limited access to mail from March 23 until May 3. While you can still mail things, please understand there may be a delay in processing that piece of mail. This includes all mail coming from the U.S. Postal Service, Fed Ex, and UPS.

**Insurance Companies**

*Is the Department suspending any claims practices?*

The Kansas Commissioner of Insurance reminds insurers and businesses of their rights and obligations under K.S.A. 40-2404 and K.A.R. 40-1-34. Among other responsibilities, insurers have an obligation to truthfully represent the coverages or terms of any insurance policy and avoid unfair claim settlement practices. Insurers must:

- fully disclose to a first party claimant all pertinent benefits, coverages, or other provisions of an insurance policy or insurance contract under which a claim is presented;
- promptly provide necessary forms, instructions, and reasonable assistance;
- act reasonably and promptly upon communications with respect to claims arising under insurance policies;
- adopt and implement reasonable standards for the prompt investigation of claims;
- conduct a reasonable investigation based upon all available information before refusing to pay claims;
- affirm or deny coverage of claims within a reasonable time;
- attempt in good faith to effectuate prompt, fair and equitable settlement of claims in which liability has become reasonably clear;

As the Commissioner made clear in Bulletin 2020-1, the Kansas Insurance Department is not suspending the Kansas unfair method of competition and unfair or deceptive act or practices statutes, associated regulations, and the Kansas Insurance Department’s policy and procedure implementing the NAIC’s unfair claims settlement practices model regulation. However, insurers are encouraged to proactively notify the Insurance Department’s Consumer Assistance Division of any issues they may have with complying with these laws that are a result of a COVID-19 response measure taken by the insurer. Such notification will be considered by the Commissioner in enforcing K.S.A. 40-2405.

**Does a company need to file discounts or rebates with the Kansas Insurance Department?**

Due to decreased driving habits of consumers, many property and casualty insurance companies have announced plans to offer temporary or one-time discounts or refunds during the pandemic. Some companies have also proposed amending policies through endorsement to allow for personal autos to be used as delivery vehicles.
Consumers and insurers should be aware that Kansas law requires any such changes to rating plans and forms, such as endorsements, to be filed with and approved by the Kansas Insurance Department before they can be used in Kansas. The Department’s Property and Casualty Division reminds insurers of their duty to file through SERFF. COVID-19 related filings will receive expedited review.

In addition, the Department encourages insurers to send notifications, press releases, announcements or other public communications about COVID-related rate or policy changes to Heather Droge, Director of the Department’s Property and Casualty Division at Heather.Droge@Ks.gov. It would assist the Department if these were not sent directly to Commissioner Schmidt. The Property and Casualty Division communicates all such announcements to the Department’s management staff.

**Insurance Licensing**

*Will the Kansas Insurance Department be issuing temporary licenses or suspending any licensing requirements?*

At this time, the Kansas Insurance Department will not be issuing temporary licenses or suspending any licensing requirements. We will continue to monitor the situation and work with interested parties in the weeks ahead to best address this issue.

*I am applying for a new insurance agent license and am having trouble getting the test scheduled. What can I do?*

Effective April 16, 2020, the Pearson Vue Professional Centers in Kansas are open to those needing to take the Kansas Insurance Producer Exams. In addition, the Kansas Insurance Department authorized Pearson Vue to open up its entire third-party vendor network in Kansas and nationwide to offer the Kansas Insurance Producer Exams. This will provide additional locations available to applicants. If a person needs to schedule an exam, they should do so through the normal process on Pearson Vue's website: [https://home.pearsonvue.com](https://home.pearsonvue.com)

We encourage anyone needing to schedule an exam to search all parts of Kansas, but facilities we know are open with seats available as of April 16, 2020 at 12:00 p.m. include:

Pearson Professional Centers:
- Pearson Professional Center- Overland Park
- Pearson Professional Center- Hays
- Pearson Professional Center- Topeka
- Pearson Professional Center- Wichita

Third-Party Vendors- Kansas
- Made Men, Inc.- Kansas City
- CCC Business and Industry Training Center- Coffeyville
- Labette Community College- Cherokee Campus- Pittsburg

(NOTE: Availability is first come, first served.)
The Kansas Insurance Department is working closely with the Board of Regents and the Community College Network to get additional third-party vendors open for applicants. Kansas Insurance is the first Insurance Department admitted as part of the Pearson Vue essential services channel and we will continue working to expand options for Kansas applicants.

Effective April 28, 2020, the Pearson Vue Professional Centers in Colorado, Iowa, Nebraska, Missouri and Oklahoma will also be providing the Kansas Insurance Producer Exams.

I am applying for a new insurance agent license and am having trouble getting my fingerprints taken?

For the last several weeks, the Kansas Insurance Department has been working to address the lack of available locations to get fingerprints taken in light of the COVID crisis and the background check requirement for a producer license. One of the key functions of the Department is consumer protection. Ensuring agents are qualified, trustworthy people is an important part of that. Therefore, the Kansas Insurance Department will NOT be waiving the fingerprint requirement.

During discussions with the KBI, we were informed that there is not a certification or authorization required to be able to take fingerprints. The Department has heard from several agencies and companies requesting to be able to take fingerprints for those in their organization applying for a license. Together, with Special Agent Holly Harwood of our Anti-Fraud division, we have developed an instructional video along with written instructions to help guide agencies and companies through the fingerprinting process. The guidance includes a list of supplies needed, safety tips, the process of securing the fingerprints, special circumstances you might encounter and the process of submitting the fingerprints. We’ve also included a contact at the KBI that we recommend you send practice prints to in order to help ensure you are taking quality prints before submitting applicants’ fingerprints.

Please use these resources as tools to assist those applying for an insurance agent license. The links to the written instructions as well as the instructional video are below.

Fingerprinting 101: How to take fingerprints
Video Instructions:
https://youtu.be/Sg3dJhxPCeM

Written Instructions:

In addition, we know not all law enforcement facilities have stopped taking fingerprints. We encourage you to check with those in your area as well as private businesses that offer fingerprinting services. Should you have additional questions, please send them to KID.Licensing@ks.gov.

Effective, Tuesday, April 28, 2020 the KBI will begin taking fingerprints by appointment only. Their schedule is limited due to COVID-19 and you need to call the Ident duty line at 785-296-4038 to schedule an appointment. If no one answers, they need to leave a message. This line is
monitored daily. The KBI charges a $10 fingerprinting fee payable by check, money order or credit card. THEY DO NOT ACCEPT CASH. The applicant will not be allowed to bring anyone in with them while they are being fingerprinted. Please pass this along.

My license is up for renewal and I can’t complete CE in time?
During the COVID-19 crisis, the Kansas Insurance Department did not issue any automatic suspension notices. The Kansas Insurance Department will begin sending suspension notices June 10, 2020. If someone receives a suspension notice where the termination date has passed or is coming up very soon, and they would like to renew, please contact KID.ContEd@ks.gov or 785-296-7858.

I need to complete my CE and my office is closed and I am supposed to practice social distancing. Is the Department waiving the requirement to have a proctor for a self-study CE course? Or can I use a virtual proctor for a CE course?
The Department is not waiving the requirement to have a proctor for a self-study CE course. However, we are allowing virtual examination monitors for CE courses as long as they meet the criteria outlined in K.A.R. 40-7-20a:

Can I do other work at an insurance office while I wait to get my license?
Yes. However, unlicensed persons cannot perform licensable activities. At this time, the department is not issuing temporary licenses or suspending any licensing requirements. If you have questions about what is a licensable act vs. a non-licensable act, you should visit:
https://content.naic.org/sites/default/files/inline-files/committees_ex_pltf_plwg_Licensable_Activities.pdf

Will Kansas issue a non-resident license to an agent who holds a temporary license in a different state?
No. Kansas would not issue a non-resident license to an agent who holds a "temporary" license in a different resident state. Per our conversations with NIPR, they are not allowing the temporary home state license information to load onto the national database (PDB).

Securities, Broker-Dealer, Investment Adviser, and Representative Registration
Will my application for registration be processed?
Yes. Our staff continues to process firm and individual applications submitted via the CRD/IARD and applications for securities registration in the order received, including applications under FINRA’s regular process for temporary registration of individuals who are moving from one firm to another and have new or updated disclosures since their last registration.
In addition, due to the COVID-19 outbreak, FINRA provided temporary relief from its requirement that firms obtain a “wet” signature on a Form U-4 before submission of an electronic U-4 to the CRD for registration. Specifically, for now, FINRA will permit firms to electronically file an initial or amended Form U4 without obtaining the individual applicant’s manual signature if the firm follows FINRA’s requirements, detailed here.

With respect to fingerprint submissions to FINRA for applications to register as a broker-dealer agent, FINRA has provided temporary relief from its regular deadline—extending it until June 29, 2020, for applications submitted between February 15 and May 30, 2020. Normally an applicant must submit fingerprints to FINRA no later than 30 days after FINRA receives the application. Applicants can find additional details about this temporary relief here. Kansas does not require investment adviser representatives to submit fingerprints.

**Can I submit documentation for broker-dealer and investment adviser applications for registration electronically instead of in paper form?**
Yes. Please submit this documentation by e-mail to Kathy Ramskill at Kathy.Ramskill@ks.gov for processing.

**Does the deadline for state-registered investment advisers to file their Form ADV amendments continue to apply?**
Yes. Please submit these amendments via the CRD/IARD according to the applicable deadline.

**Can I submit documentation required for securities registration filings electronically?**
Yes. Please submit such documents in searchable pdf format by e-mail to Shelly Welch at shelly.welch@ks.gov. Please mail checks for securities registration fees to the attention of Kathy Ramskill at our office address, 1300 SW Arrowhead Rd., Topeka, KS 66604.

**Prometric testing centers are closed for 30 days starting March 18, 2020 and my window to take an exam will expire before the exam testing site re-opens. Will I still be able to take my test?**
Yes. All enrollment windows that are currently open will be extended to the end of May. Candidates with an existing exam appointment during the closure will receive an email from Prometric with instructions on how to reschedule their appointment and rescheduling fees will not be applied. To change an existing appointment already scheduled after April 16, candidates should access the Prometric website. For additional information, please follow updates on the [Qualification Exams](https://www.finra.org) page on FINRA’s website.

**Whom should I contact with questions related to registration matters for securities, broker-dealers, investment advisers, and representatives?**
Please contact Shelly Welch by e-mail at shelly.welch@ks.gov or telephone at (785) 296-1911.
What other websites might help me answer my COVID-19 questions?
COVID-19-specific updates are available from NASAA, FINRA, and the SEC:
http://www.nasaa.org/industry-resources/covid-19-updates - information about other state orders and guidance for Kansas investment advisers that are registered elsewhere.

https://www.finra.org/rules-guidance/key-topics/covid-19 - for broker-dealers, FINRA provides guidance on Regulatory Notices, Exams, Membership Applications, Fingerprints, Arbitrations, etc.

https://www.sec.gov/sec-coronavirus-covid-19-response - issuers and exchanges may review the regulatory relief provided during the execution of their business continuity plans, as well as information relating to market functions, enforcement, and investor protection efforts.