

State of Kansas
Insurance Department
Notice of Public Hearing on Proposed Administrative Regulations
May 22, 2024

The Kansas Insurance Department will conduct a public hearing on Wednesday, May 22, 2024, at 8:30 a.m. at the Kansas Insurance Department, 1300 SW Arrowhead Road, Topeka, Kansas, to consider the proposed revocation of K.A.R. 40-4-29a; and the proposed amendment of K.A.R. 40-1-36 and K.A.R. 40-8-7. Anyone desiring to participate via teleconference or virtual format should visit the Insurance Department's website <https://insurance.kansas.gov/legal-issues/> for information on registering.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Kansas Insurance Department, 1300 SW Arrowhead Road, Topeka, Kansas 66604 or by email to KID.publiccomment@ks.gov. All interested parties will be given a reasonable opportunity to present their views orally regarding the proposed revocation and the proposed amended regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five (5) minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed amended regulations, proposed revocation, and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Bobbi Mariani at (785) 296-7802 or bobbi.mariani@ks.gov or the Kansas Relay Center at 1-800-766-3777. The west entrance to the Insurance Department is accessible. Handicapped parking is located on the west side of the Insurance Department.

Copies of the proposed amended regulations, proposed revocation, and the economic impact statements can be viewed at the following website: <https://insurance.kansas.gov/legal-issues/>.

Summaries of the proposed amendments and proposed revocation and their economic impact follow. (Note: Statements indicating that a regulation or revocation is "not anticipated to have any economic impact" are intended to indicate that no economic impact on the Insurance Department, other state agencies, state employees, or the general public has been identified.)

K.A.R. 40-4-29a – Same; renewability of individual hospital, medical, or surgical expense policy. The proposed revocation of K.A.R. 40-4-29a removes an extraneous restatement of statutory language found in K.S.A. 40-2257 and removes a reference to an obsolete notice document that is no longer utilized by the insurance industry or the Insurance Department. The Insurance Department does not anticipate any significant economic impact to this agency, other governmental agencies, or to the public as a result of the revocation of this regulation.

K.A.R. 40-1-36 – Life and health insurance applications; underwriting; acquired immunodeficiency syndrome (AIDS); defined. The proposed amendments to K.A.R. 40-1-36

update the protocol for HIV testing by permitting life insurers to use newer, more accurate testing protocol approved by the United States Food and Drug Administration (“FDA”). The Insurance Department anticipates the amendment will enhance business activities by allowing insurers to use new, more accurate testing protocol. The amended regulation will permit the use of the currently required test, the Western blot, or a new protocol. This will allow insurers to update their procedures at their own pace. The Insurance Department does not anticipate any significant economic impact to this agency, other governmental agencies, or to the public as a result of the amendment of this regulation.

K.A.R. 40-8-7 – Excess lines insurance; agents; submission of affidavit required. K.A.R. 40-8-7 establishes the annual statement reporting and premium tax remittance requirements for excess lines agents. The regulation also establishes the assessment for failure to submit the annual statement and premium tax. The amendment lowers the amount of annual tax remittance from 6% to 3% in compliance with statutory amendments made to K.S.A. 40-246c, removes the requirement that annual reports and payments be submitted by mail, and removes a requirement that agents that have placed no excess lines business file the annual reporting statement with the Insurance Department. The amendment will enhance business activities and growth by reducing the burden of unnecessary annual report filing. The Insurance Department does not anticipate any significant economic impact to this agency, other governmental agencies, or to the public as a result of the amendment of this regulation.

Vicki Schmidt
Insurance Commissioner