

**Kansas Administrative Regulations
Agency 40. Insurance Department
Article 4. Accident and Health Insurance**

40-4-37b Long-term care insurance; marketing practices; prohibitions; limitations.

A policy shall not be advertised, described, solicited, delivered or issued for delivery in this state as long-term care insurance if the policy, contract or rider limits or excludes coverage by type of illness, treatment, medical condition or accident, except for the following:

- (a) Mental or nervous disorders without demonstrable organic disease. This provision shall not exclude coverage for loss which results from organic brain disease, including alzheimer's disease or senile dementia;
- (b) alcoholism and drug addiction;
- (c) illness, treatment, medical condition or accident arising from:
 - (1) Participation in a felony, riot or insurrection;
 - (2) suicide, attempted suicide, or intentionally self-inflicted injury, whether sane or insane;
 - (3) aviation; or
 - (4) war or act of war, whether declared or undeclared;
- (d) benefits provided under medicare or governmental programs other than medicaid, any state or federal workers' compensation or employer's liability or occupational disease law;
- (e) services performed by a member of the covered person's immediate family; and
- (f) services for which no charge is normally made in the absence of insurance.

(Authorized by K.S.A. 40-103, K.S.A. 1991 Supp. 40-2228; implementing K.S.A. 1991 Supp. 40-2228; effective Jan. 4, 1993.)