

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

40-4-37c Long-term care insurance; termination; recurrent confinements; continuation of benefits.

(a) If a long-term care insurance policy is terminated while an insured is confined in a nursing facility, benefits provided as a result of receiving nursing facility services shall continue until discharge from the nursing facility, expiration of the policy benefit period, if any, or payment of the maximum benefits for nursing facility services or maximum aggregate benefits under the policy, whichever comes first. For the purpose of this provision, continuous nursing confinement shall include transfer to another nursing facility or receiving another level of nursing care in a nursing facility. This subsection shall not apply if coverage under the policy terminates because of a lapse as defined in subsection (c) (11) of K.A.R. 40-4-37.

(b) A policy may contain a provision relating to recurrent confinements. However, a provision shall not specify that a recurrent condition be separated by a period greater than six months.

(c) Family coverage shall continue for any child who:

(1) is incapable of self-sustaining employment due to mental retardation or physical handicap on the date that the child's coverage would otherwise terminate under the policy due to the attainment of a specified age limit; and

(2) is chiefly dependent on the insured for support and maintenance. The policy may require that within 31 days of the date that the child's coverage would otherwise terminate, the insured must furnish the company due proof of the child's incapacity and a notice of the insured's election to continue the policy in force with respect to the child, or the policy may require that a separate converted policy be issued at the option of the insured or policyholder.

(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.)