

KANSAS INSURANCE DEPARTMENT
Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 1:30 p.m., January 14, 2015, in the third floor conference room, Kansas Insurance Department, 420 S.W. 9th, Topeka, Kansas, to consider the adoption of proposed rules and regulations.

The 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 Diane Minear, Kansas Insurance Department, 420 S.W. 9th, Topeka, Kansas, 66612-1678, via facsimile at 785-291-3190, or via email at dminear@ksinsurance.org. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing.

A summary of the proposed regulations and their economic impact follows.

K.A.R. 40-9-126. Advertising of medicare supplement insurance. This proposed regulation would provide policy and procedure for the review of advertising material filed with the department pursuant to KAR 40-4-35.

Because current practice is consistent with this proposed regulation, there is no economic impact on health insurers.

Similarly, there will be no economic impact on the Kansas Insurance Department, consumers, small businesses, or other governmental agencies.

K.A.R. 40-9-118. Life Insurance and annuities; advertising. This amendment to the existing regulation would adopt an amended version of the most recent NAIC model regulation governing the advertisement of life insurance and annuities. The proposed amendment contains three substantive changes from the current regulation: 1) References to modern modes of communication via the Internet, social media, and mass media; 2) Requires companies to notify producers of the procedures necessary for producers to obtain company approval of advertising material not furnished by the company; and 3) Clarifies “nonguaranteed” and “determinable” policy elements.

Because current practice is consistent with this amendment, there is no economic impact on life insurers.

Similarly, there will be no economic impact on the Kansas Insurance Department, consumers, small businesses, or other governmental agencies.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request any proposed regulation and the economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least 5 working days in advance by contacting Diane Minear at (785) 296-2676 or via email at dminear@ksinsurance.org. Any individual desiring a copy of any regulation and/or the policy and procedure that is being adopted by reference, if applicable, may obtain a copy from our website, www.ksinsurance.org, under the Legal Issues link or by contacting Diane Minear by phone at (785) 296-2676 or via email at dminear@ksinsurance.org. The charge for copies is fifty cents per page.

K.A.R. 40-9-118. Life insurance and annuities; advertising. ~~The national association of insurance commissioners' rules governing the advertising of life insurance, June 1988 edition, are hereby adopted by reference subject to the following exceptions. (a) Sections I, XI, XII, subsection 24 of section V, and subsection 3 of section IX are not adopted.~~

~~(b) Section V, 20(d) is completed by insertion of "6" in the space requiring specification of a number of months. The Kansas insurance department's "policy and procedure regarding advertisements of life insurance and annuities," dated October 16, 2014, is hereby adopted by reference. (Authorized by K.S.A. 40-103, and 40-2404a; implementing K.S.A. 40-103, K.S.A. 1997 2014 Supp. 40- 2404(f), and K.S.A. 40-2407; effective Feb. 15, 1977; amended May 1, 1979; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Jan. 4, 1993; amended July 10, 1998; amended P-_____.)~~

40-9-126. Advertising of medicare supplement insurance. The Kansas insurance department's "policy and procedure regarding advertisements of medicare supplement insurance," dated October 16, 2014, including the appendix, is hereby adopted by reference. (Authorized by K.S.A. 40-2404a; implementing K.S.A. 40-103, K.S.A. 2014 Supp. 40-2404, and K.S.A. 40-2404a; effective P-_____.)

ECONOMIC IMPACT STATEMENT

Proposed Kansas Administrative Regulation 40-9-118

Pursuant to the requirement of K.S.A. 77-416(b) the Kansas Insurance Department submits the following description of the economic impact of the above referenced proposed amendment to K.A.R. 40-9-118:

1. This amendment to the existing regulation would adopt an amended version of the most recent NAIC model regulation governing the advertisement of life insurance and annuities. The proposed amendment contains three substantive changes from the current regulation: 1) References to modern modes of communication via the Internet, social media, and mass media; 2) Requires companies to notify producers of the procedures necessary for producers to obtain company approval of advertising material not furnished by the company; and 3) Clarifies “nonguaranteed” and “determinable” policy elements.

2. Because current practice is consistent with this amendment, there is no economic impact on life insurers.

3. Similarly, there will be no economic impact on the Kansas Insurance Department, consumers, small businesses, or other governmental agencies.

ECONOMIC IMPACT STATEMENT

Proposed Kansas Administrative Regulation 40-9-126

Pursuant to the requirement of K.S.A. 77-416(b) the Kansas Insurance Department submits the following description of the economic impact of the above referenced proposed regulation K.A.R. 40-9-126

1. This regulation would provide policy and procedure for the review of advertising material filed with the department pursuant to KAR 40-4-35.

2. Because current practice is consistent with this proposed regulation, there is no economic impact on health insurers.

3. Similarly, there will be no economic impact on the Kansas Insurance Department, consumers, small businesses, or other governmental agencies.