

## HCS SCS SB 334 -- PUBLIC HEALTH

SPONSOR: Sater (Hubrecht)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Insurance Policy by a vote of 9 to 0. Voted "Do Pass" by the Rules-Legislative Oversight Committee by a vote of 14 to 0.

### INFLUENZA EDUCATION

No later than October 1 of each year, this bill requires each assisted living and residential care facility to provide residents with education information on the influenza virus. The bill specifies what must be included in the information and nothing in the bill must be construed to require any assisted living or residential care facility to provide or pay for any vaccination against influenza (Section 198.053, RSMo).

This bill is similar to SB 334 (2017).

### MANDATORY REPORTING LONG TERM CARE

This bill amends provisions relating to reporting of suspected abuse and neglect of a resident of a long-term care facility who is 60 years of age or older or an eligible adult. Currently, a report is required to be made to the Department of Health and Senior Services in the event of suspected abuse or neglect. Under this bill, in the event of suspected sexual assault of the resident, specified mandated reporters shall also report to local law enforcement under the procedures of the Federal Elder Justice Act of 2009 (Section 198.070).

This is similar to SB 234 (2015).

### Exclusive Provider Organizations (EPO)

This bill repeals a provision that currently allows that EPO's shall expire and be null and void at the end of the calendar year following the repeal of 42 U.S.C. Section 300gg by the United States Congress or at the end of the calendar year following a finding by a court of competent jurisdiction that such federal law is unconstitutional or otherwise infirm. This bill repeals that provision so that EPO's can be sold regardless of whether or not 42 U.S.C. Section 300gg by the United States Congress is repealed (Section 376.426).

### LIFE INSURANCE

Currently, life insurance companies can exclude coverage for

suicide for one year after the issuance of a policy. This bill adds the exclusion to any additional riders, endorsements, or amendments added.

Any life insurance policy that has lapsed and then been reinstated can exclude coverage for suicide for one year from reinstatement (Sections 376.620 and 376.625, RSMo).

This is the same as HB 341 (2017).

#### MARKET CONDUCT EXAMINATIONS

The bill provides that if the Director of the Department of Insurance, Financial Institutions and Professional Registration determines that an insurance company should pay interest upon any claims, refunds, or payments due to an examination, investigation, settlement agreement, or other action that the interest charged shall be determined as provided in Section 32.065, RSMo, not to exceed 9% (Section 374.191).

This is the same as HCS HB 345 (2017).

#### COMMERCIAL INSURANCE MARKETS

Beginning January 1, 2018, this bill specifies that certain commercial insurers are exempt from filing rates and policy forms with respect to certain lines of commercial insurance (Section 379.321).

This is similar to HCS HB 741 (2017).

#### MISSOURI QUALIFIED LONG-TERM CARE PARTNERSHIP POLICY

This bill specifies that any whole life insurance policy with long term care riders shall qualify for the Missouri qualified long-term care partnership approval policy if such policy meets the qualifications set forth by the National Association of Insurance Commissioners' Long-term Care Insurance Model Act and Regulation as specified in 42 U.S.C. 1917, and the provisions of Section 6021 of the Federal Deficit Reduction Act of 2005 (Section 208.690).

This is the same as HB 829 (2017).

#### FESTIVAL LIABILITY INSURANCE

This bill provides that members of a fair board of directors in certain third class counties are not required to have liability insurance covering themselves while operating, maintaining or conducting a festival (Section 316.160).

This is the same as HCS HB 863 (2017).

#### LONG-TERM CARE INSURANCE RATES

This bill prohibits a licensed insurance company from issuing any policy or certificate of long-term care insurance unless the classification of risks and the premium rates pertaining to the policy or certificate have been filed with and approved by the Director of the Department of Insurance, Financial Institutions and Professional Registration. Long-term care insurance rates cannot be excessive, inadequate, or unfairly discriminatory and cannot increase by more than 20% per year unless the insurer can clearly document a material and significant change in the risk characteristics of all of its in-force long-term care insurance policies or certificates (Section 376.1110.1).

Rates must be determined by past and prospective loss experience and expenses, adequate contingency reserves, and all other relevant factors within and without the state. If an insurance company implements a rate that the director has determined is unreasonable under Subsections 1 and 2 of this section, the department shall make such determination public, in a form and manner determined by rule (Sections 376.1110.2 and 376.1110.3).

This is the same as HCS HB 611 (2017), HB 2268 (2016), and HB 954 (2015).

#### PROPERTY INSURANCE

This bill modifies provisions relating to property insurance. In order to make policies easier to read the Director of the Department of Insurance, Professional Registration and Financial Institutions can approve fire insurance policy forms other than the standard fire insurance policy which otherwise meets requirements of law and are at least as favorable to the insured as the standard fire insurance policy (Section 379.160).

**PROPONENTS:** Supporters say that this bill will provide residents of assisted living and residential care facilities with information on how to protect themselves from being infected by the influenza virus.

Testifying for the bill were Senator Sater; Sanofi Pasteur; and the Missouri Assisted Living Association.

**OPPONENTS:** There was no opposition voiced to the committee.

**OTHERS:** Others testifying on the bill say that this information

will be put on the website and it will be easy to print off a copy and place at the facilities where people can see and learn this information.

Testifying on the bill were the Missouri Department of Health and Senior Services and Anthem Inc.