

CCS HCS SB 551 -- INSURANCE

RECIPIENTS OF DONATED ORGANS (Section 194.320, RSMo)

Under this bill, no hospital, physician, procurement organization, or other person shall determine the ultimate recipient of an anatomical gift based upon a potential recipient's physical or mental disability or congenital condition, except to the extent that the disability or condition has been found by a physician, following a case-by-case evaluation of the potential recipient, to be medically significant to the provision of the anatomical gift.

A person with a disability or congenital condition shall not be required to demonstrate post-operative independent living abilities in order to have access to a transplant if there is evidence that the person will have sufficient, compensatory support and assistance.

A court shall accord priority on its calendar and handle expeditiously any action brought to seek a remedy for purposes of enforcing compliance with this bill. This bill shall not be deemed to require referrals or recommendations for or the performance of medically inappropriate organ transplants .

MISSOURI AUTOMOBILE INSURANCE PLAN (Section 303.200)

This bill modifies existing law regarding apportionment of substandard insurance risks to create the Missouri Automobile Insurance Plan (MOAIP). MOAIP is authorized to issue motor vehicle insurance policies to applicants who are unable to procure motor vehicle liability policies through ordinary methods, rather than funding issuance of the policies through other insurers. The bill further specifies that the Director of the Department of Commerce and Insurance shall consult with insurance companies who have a certificate of authority to do business in the state and actively write motor vehicle liability policies. MOAIP shall perform its functions under a plan of operation approved by the director through a board of governors as specified in the plan of operation. The plan of operation shall prescribe the issuance of motor vehicle insurance policies, which may include the administration of the policies by a third party, as specified in the bill. MOAIP must obtain approval from the director before using forms, rates, or manuals. MOAIP is subject to the applicable insurance laws of this state unless specifically exempted, is required to file annual financial reports that are subject to examination by the director, and shall have the authority to make assessments on member insurance companies in proportion to their market share. Member insurers and members of the governing committee shall be immune from liability for omissions and actions taken in the performance

of their powers and duties under the bill.

BREAST CANCER SCREENING (Section 376.782)

This bill modifies an insurance mandate relating to breast cancer screening and evaluation.

In addition to existing coverage requirements, the bill adds "detectors" to the X-ray equipment specifically listed as being covered under the mandate and specifies that coverage for certain breast cancer screening and evaluation services shall be provided yearly to any woman deemed by her physician to have an above-average risk for breast cancer in accordance with American College of Radiology (ACR) guidelines, rather than specifically to women with a personal or family history of breast cancer.

Requires coverage of any additional or supplemental imaging, such as breast MRI or ultrasound, deemed medically necessary by a treating physician for proper screening or evaluation in accordance with applicable ACR guidelines. Furthermore, the bill requires coverage of ultrasound or MRI services when determined by a treating physician to be medically necessary for the screening or evaluation of breast cancer for any woman deemed by the treating physician to have an above-average risk of breast cancer in accordance with ACR guidelines for breast cancer screening.

Lastly, provisions relating to out-of-pocket expenditures are modified to apply to the additional modalities required to be covered under the bill.

LIFE INSURANCE AND ORGAN DONORS

This bill prohibits insurers from using a person's status as a living organ donor as a sole factor in the offering, issuance, cancellation, price, or conditions of an insurance policy including the amount of coverage provided under an insurance policy.

Any materials related to live organ donation from a recognized live organ donation organization received by the departments of Commerce and Insurance or Health and Senior Services may be made available to the public.

INDUCEMENTS TO INSURANCE (Sections 379.402 and 376.404)

The bill allows insurers and insurance producers to provide products or services in conjunction with a policy of property and casualty insurance for free, at a discount or at market value, if the products or services are intended to prevent or mitigate loss, provide loss control, reduce rates or claims, educate about risk of

loss, monitor or assess risk, identify sources of risk, develop strategies for the elimination or reduction of risk, or provide post-loss services.

The insurers or producers may offer gifts, goods, or merchandise containing advertising and promotional offers. These products or services shall not be considered an inducement to insurance, a rebate, nor any other impermissible consideration prohibited under law. These products or services are not required to be included in contract or policy form filings.

The Director of the Department of Commerce and Insurance may establish rules to exempt, but not restrict, additional categories of products or services with regard to the prohibitions against inducements to insurance (Section 379.402).

The bill also exempts commercial property and casualty insurers from the prohibitions against inducements to insurance, except with regard to any producer commission reduction not included in the insurer's rate filings (Section 376.404).

MISSOURI BASIC PROPERTY INSURANCE INSPECTION AND PLACEMENT PROGRAM (Section 379.860)

This bill modifies the Missouri Basic Property Insurance Inspection and Placement Program. The bill requires 10 of the members of the program's governing committee to be elected as specified in the program's plan of operation, rather than prescribing entities from which the members shall be elected. Member insurers and members of the governing committee shall be immune from liability for omissions and actions taken in the performance of their powers and duties under the bill.

MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION (Sections 383.155, 383.160, and 383.175)

The bill modifies the authority to create a medical malpractice insurance joint underwriting association by specifying that the composition of the association's board of directors shall be established by its plan of operation, and provides that member insurers and members of the governing committee shall be immune from liability for omissions and actions taken in the performance of their powers and duties specified in the bill. This bill requires all policies of insurance written by the association to be written to "provide medical malpractice insurance coverage as provided in the plan of operation", rather than to "apply to injury which results from acts or omissions occurring during the policy period. The bill specifies that the association's board of directors shall be established by its plan of operation, rather

than prescribing entities from which the members shall be elected.