

FIRST REGULAR SESSION

HOUSE BILL NO. 262

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SMITH (150) (Sponsor), RUZICKA, LANT, KOENIG, BRATTIN, KEENEY, CROSS, RICHARDSON, FITZWATER, HAMPTON, WETER, SOLON, JOHNSON, HINSON, HOUGH, BURLISON, LONG, FUHR AND GATSCHENBERGER (Co-sponsors).

0742L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 376, RSMo, by adding thereto one new section relating to the purchase of health insurance.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 376, RSMo, is amended by adding thereto one new section, to be known as section 376.685, to read as follows:

376.685. 1. This section shall be known and may be cited as the "Foreign Health Insurance Purchase Act".

2. The following words and phrases when used in this section shall have the meanings given to them in this section unless the context clearly indicates otherwise:

(1) "Department", the department of insurance, financial institutions and professional registration;

(2) "Director", the director of the department of insurance, financial institutions and professional registration;

(3) "Foreign insurer", any health carrier, as that term is defined in section 376.1350, licensed by the state of Illinois, Arkansas, Kansas, Nebraska, Kentucky, Oklahoma, Tennessee, or Iowa to sell health insurance in that state and if not prohibited under the laws of that state from selling health insurance to the residents of this state;

(4) "Health insurance", an individual or group health insurance policy, subscriber contract, certificate or health benefit plan that provides medical or health care coverage by a health care facility or licensed health care provider.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **3. Notwithstanding any other provision of law to the contrary, a resident of this**
17 **state shall have the right to purchase health insurance from a foreign insurer, regardless**
18 **of whether the foreign insurer is licensed or in compliance with the laws of this state.**

19 **4. Notwithstanding any other provision of law to the contrary, a foreign insurer**
20 **domiciled in the state of Illinois, Arkansas, Kansas, Nebraska, Kentucky, Oklahoma,**
21 **Tennessee, or Iowa is exempt from holding a license or certificate of authority, if it meets**
22 **the following criteria:**

23 **(1) It offers, sells, or renews a health benefit plan in this state that complies with**
24 **all of the requirements of the domiciliary state applicable to the plan;**

25 **(2) It is authorized to issue the plan in the state where it is domiciled and to transact**
26 **business there; and**

27 **(3) It maintains a process to resolve disputes between it and a resident of this state**
28 **pertaining to the health insurance policy or health benefit plan.**

29 **5. Notwithstanding any other provision of law, a health benefit plan or health**
30 **insurance policy offered, sold, or renewed by in this state by a foreign insurer that satisfies**
31 **the criteria of subsection 4 of this section is exempt from all other provisions of chapter**
32 **375, chapter 376, or any other provision of law that would frustrate the purpose of this**
33 **section.**

34 **6. If a Missouri resident purchases or enrolls in a health insurance policy or health**
35 **benefit plan that is lawfully sold, offered, or issued in the state of Illinois, Arkansas,**
36 **Kansas, Nebraska, Kentucky, Oklahoma, Tennessee, or Iowa, the policy or plan shall not**
37 **be subject to the requirements of this chapter or its accompanying regulations, and the**
38 **foreign insurer, if not otherwise subject to the insurance laws and regulations of this state,**
39 **shall not be subject to regulation under this chapter with regard to such policy or plan;**
40 **except that, the health carrier shall be subject to regulation by the director with regard to**
41 **enforcement of the contractual benefits under the policy or health benefit plan.**

42 **7. The department shall publish a notice on its internet website that explains the**
43 **right of a resident of this state under this section to purchase health insurance from a**
44 **foreign insurer. The department may include in the notice information that a resident**
45 **might find helpful in making a decision to purchase health insurance from a foreign**
46 **insurer.**