

March 22, 2001

Commissioner Kathleen Sebelius  
Kansas Insurance Department  
420 S.W. Ninth Street  
Topeka, Kansas 66612-1678

Dear Commissioner Sebelius:

The National Conference of Insurance Legislators (NCOIL) wishes to go on record as supporting an amendment to the NAIC Uniform Accident and Sickness Policy Provision Law, which would break down barriers that deter alcohol screening in emergency rooms and trauma centers. The amendment would provide that the exclusion of coverage provision not be used with respect to medical expense policies.

The Regulatory Framework (B) Task Force and Health Insurance & Managed Care (B) Committee will consider the proposed amendment at the NAIC Spring Meeting. As President of NCOIL I would urge you, as President of the NAIC, to vote in support of the amended language.

The NCOIL Health Insurance and Executive Committees adopted a resolution in support of amending the NAIC model on March 2, 2001, during the NCOIL Spring Meeting in Hilton Head, South Carolina.

The NCOIL resolution also supports repeal of coverage provisions based on the NAIC model in more than 40 jurisdictions. Rep. Kathleen Keenan (VT), the resolution's sponsor, is currently working with her state insurance department to repeal the Vermont statute. In an effort to encourage other states to do the same, the resolution is being forwarded to insurance commissioners and state legislators nationwide. A copy has been attached for your information.

According to the resolution, the current model and state laws patterned after it work to prevent physicians from drawing blood alcohol levels from accident victims, because insurers may deny claims incurred by drunk drivers. The resolution notes that early intervention is the key to decreasing the drunk-driving recidivism rate and that, in order to provide treatment, it is necessary to screen for blood alcohol content. The resolution also notes that such testing is cost effective because many unnecessary tests are currently conducted, when it would be less expensive and more efficient to simply screen for blood alcohol.

Again, NCOIL urges you to amend the NAIC model law. Thank you for your consideration of this matter.

Sincerely,

Rep. Terry Parke (IL)  
NCOIL President

Cc: Regulatory Framework (B) Task Force  
Health Insurance & Managed Care (B) Committee  
Commissioner Terri Vaughan, NAIC Vice-President  
Commissioner Mike Pickens, NAIC Secretary-Treasurer  
Ms. Jolie Matthews  
Ms. Jennifer Cook  
Ms. Mary Beth Senkewicz

Att.: NCOIL Health Insurance Committee Members  
NCOIL Resolution in Support of Amending the NAIC Uniform Accident and  
Sickness Policy Provision Law