

## 2016 Kansas Statutes

**40-2,111. Definitions.** As used in K.S.A. 40-2,111 through 40-2,113, and amendments thereto: (a) "Adverse underwriting decision" means: Any of the following actions with respect to insurance transactions involving insurance coverage which is individually underwritten:

- (1) A declination of insurance coverage;
  - (2) a termination of insurance coverage;
  - (3) an offer to insure at higher than standard rates, with respect to life, health or disability insurance coverage; or
  - (4) the charging of a higher rate on the basis of information which differs from that which the applicant or policyholder furnished, with respect to property or casualty insurance coverage.
- (b) "Declination of insurance coverage" means a denial, in whole or in part, by an insurance company or agent of requested insurance coverage.
- (c) "Health care institution" means any medical care facility, adult care home, drug abuse and alcoholic treatment facility, home-health agency certified for federal reimbursement, mental health center or mental health clinic licensed by the secretary for aging and disability services, kidney disease treatment center, county, city-county or multicounty health departments and health-maintenance organization.
- (d) "Health care provider" means any person licensed to practice any branch of the healing arts, licensed dentist, licensed professional nurse, licensed practical nurse, licensed advanced practice registered nurse, licensed optometrist, licensed physical therapist, licensed social worker, licensed physician assistant, licensed podiatrist or licensed psychologist.
- (e) "Institutional source" means any natural person, corporation, association, partnership or governmental or other legal entity that provides information about an individual to an agent or insurance company, other than:
- (1) An agent;
  - (2) the individual who is the subject of the information; or
  - (3) a natural person acting in a personal capacity rather than a business or professional capacity.
- (f) "Insurance transaction" means any transaction involving insurance, but not including group insurance coverage, primarily for personal, family or household needs rather than business or professional needs.
- (g) "Medical-record information" means personal information which:
- (1) Relates to an individual's physical or mental condition, medical history or medical treatment; and
  - (2) is obtained from a health care provider or health care institution, from the individual, or from the individual's spouse, parent or legal guardian.
- (h) "Termination of insurance coverage" or "termination of an insurance policy" means either a cancellation, nonrenewal or lapse of an insurance policy, in whole or in part, for any reason other than:
- (1) The failure to pay a premium as required by the policy; or
  - (2) at the request or direction of the insured.

**History:** L. 1981, ch. 190, § 1; L. 1986, ch. 299, § 9; L. 2000, ch. 162, § 15; L. 2003, ch. 128, § 18; L. 2011, ch. 114, § 52; L. 2014, ch. 115, § 185; July 1.