

# Missouri

Missouri Insurance Commission  
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## Summary of Important Regulations

MEWA Regulations .....	No
TPA Regulations .....	Yes
Stop-Loss Regulations .....	Yes
UR Regulations .....	No

## NAIC Model Laws or Regulations

<u>Name of Model Law/Regulation</u>	<u>Model/Similar</u>	<u>Related</u>
Health Insurance Reserves Model Regulation	Mo. Admin. Code tit. 20 § 200-1.140(2)(A), (D)	None
Comprehensive Health Ins. Cost Containment Model Act	None	None
Standardized Health Claims Form Model Regulation	None	Mo. Rev. Stat. § 374.184; Mo. Admin. Code tit. 20 § 400.8.300
Small Employer Health Insurance Availability Model Law	Mo. Rev. Stat. §§ 379.930 to 379.952	None
Model Regulation To Eliminate Unfair Sex Discrimination	Mo. Rev. Stat. §§ 379.930 to 379.952	None
Health Information Privacy Model Law	Mo. Rev. Stat. § 375.995	None
Preferred Provider Arrangements Model Law	None	None
Utilization Review Model Law	Mo. Rev. Stat. §§ 376.1350 to 376.1372	Mo. Admin. Code tit. 20 § 700-4.100; tit. 20 §§ 400.10.010 to 400-10.250
Managed Care Plan Network Adequacy Model Law	None	None
Third Party Administrator Law	Mo. Rev. Stat. §§ 376.1075 to 376.1095	Mo. Admin. Code tit. 20 §§ 200-9.500 to 200-9.800
Stop-loss Insurance Model Law Missouri	None 2	None

## NAIC Model Laws or Regulations

<u>Name of Model Law/Regulation</u>	<u>Model/Similar</u>	<u>Related</u>
Jurisdiction of Health Care Providers Model Law	None	None
Standard Group Health Model Law	Mo. Rev. Stat. §§ 376.421 to 376.426	None
Group Health Insurance Mandatory Conversion Law	Mo. Rev. Stat. §§ 376.397 to 376.403	None
Group Coverage Discontinuance/ Replacement Model Regulation	Mo. Rev. Stat. §§ 376.431 to 376-442	None
Premium Rates and Renewability of Coverage-Small Groups	Mo. Rev. Stat. §§ 379.930 to 379.952	None
Group Coordination of Benefits Model Law	Mo. Admin. Code tit. 20 § 400-2.030	None
Model Regulation for Certification of Health Plans	None	None
Off-Label Drug Use Model Law	None	None
Group Health Mandatory Drug/ Alcohol Dependency Law	None	Mo. Rev. Stat. § 376.779
Model Newborn Children's Law	Mo. Rev. Stat. § 376.406	None
Health Examination Benefits Missouri	None	Mo. Rev. Stat. § 3

Availability Law 376.801

## NAIC Model Laws or Regulations

<u>Name of Model Law/Regulation</u>	<u>Model/Similar</u>	<u>Related</u>
Accident and Sickness Insurance Minimum Standards Model Law	None	None
Agents and Brokers Licensing Model Law	None	Mo. Rev. Stat. §§ 375.012 to 376.146; Mo. Admin. Code tit. 20 §§ 700-1.010 to 700-1.140
MEWA Licensing Model Law	None	None
Managing General Agents Law	Mo. Rev. Stat. §§ 375.147 to 375.153	Mo. Admin. Code tit. 20 §§ 200-10.100 to 200-10.600
Health Maintenance Organization Model Law	Mo. Rev. Stat. §§ 354.400 to 354.550	None
Insurance Information and Privacy Protection Law	None	None
Unfair Trade Practices Law	Mo. Rev. Stat. §§ 375.930 to 375.948	Mo. Admin. Code tit. 20 § 100-2.100
Model Regulation on Unfair Discrimination in Life and Health Insurance on the Basics of Physical or Mental Impairment	Mo. Admin. Code tit. 20 §100-2.200	None
Model Regulation on Unfair Discrimination in Life and Health Insurance on the Basics of Total or Partial Blindness	Mo. Admin. Code tit. 20 § 100-2.200	None

## NAIC Model Laws or Regulations

<u>Name of Model Law/Regulation</u>	<u>Model/Similar</u>	<u>Related</u>
Unfair Discrimination against Subjects of Domestic Abuse in Health Benefit Plans Model Law	None	Mo. Rev. Stat. § 375.996
Unfair Claims Settlement Practices Law	Mo. Rev. Stat. §§ 375.1000 to 375.1018	None
Improper Termination Practices Law	None	None
Employee Leasing Registration Model Law	Mo. Admin. Code tit. 20 § 500-6.800	None
Private Employer Workers' Compensation Group Self- Insurance Model Law	None	Mo. Admin. Code tit. 20 § 500-6.300 to 2780.3400
Public Employee Workers' Compensation Group Self- Insurance Model Law	None	None
Twenty Four Hour Coverage Pilot Project Model Law	None	None

## State-Mandates

### **Benefits That Must Be Covered**

- Alcoholism treatment (30 days in an approved facility on the same basis as coverage for any illness)
- Breast reconstruction
- Cervical cancer screening (Pap smear)
- Childhood immunizations
- Colorectal cancer screening
- Contraceptives, only for health plans that also cover prescription drugs. Religious organizations are exempt
- Dental anesthesia (for severely disabled and children under age 5)
- Formula for PKU
- Hearing screening for children (newborns only)
- Mammography screening
- Mental health, general
- Minimum maternity stays
- Prostate cancer screening

### **Benefits That Must Be Offered**

- Chemotherapy (only for breast cancer, lifetime cap of \$100,000)
- Diabetic supplies and education
- Drug abuse treatment
- Maternity care
- Speech, language and hearing disorders
- Well-child care

### **Persons Who Must Be Offered Coverage**

- Continuation/dependents
- Continuation/employees
- Conversion to non-group
- Newborns

### **Providers Who Must Be Covered**

- Chiropractors
- Dentists
- Licensed Health Professionals
- Optometrists
- Pharmacists
- Podiatrist

- Psychologists
- Speech/Hearing Therapists

**Coordination of Benefits**

- Birthday Rule? Yes
- Divorced/Separated Rule? Yes
- Joint Custody Rule? Yes
- Active v. Inactive Rule? Yes
- Longer v. Shorter Rule? Yes
- Managed Care Rule? Yes
- COBRA Rule? Yes
- Preservation Rule? No

**Patient's Bill of Rights Legislation**

None

**High Risk Health Pool**

Yes—Capped at 150% - 200%

**External Grievance System**

Yes – all health care plans

**Basis of Filing Grievance**

Investigational or medical necessity

**Status of Decision of Grievance Panel**

Binding on both parties

**Prompt Payment of Health Claim Requirement**

Yes – 45 days

**Commentary**

- Benefits for low-dose mammography screening which includes at least a baseline mammogram for women ages 35-39, a mammogram for women ages 40-49 every two years or more frequently if recommended by the patient's physician, and an annual mammogram for women ages 50 and over. Such mammography benefits must be at least as favorable as those for other radiological examinations, but may also be subject to the same dollar limits, deductibles, and copayments as those examinations.
- Child health supervision services from the child's birth through age 12, although the group policyholder retains the right to reject such coverage. At a minimum, this coverage must provide benefits for services at approximately the following intervals: birth, 2 months, 4 months, 6 months, 9 months, 12 months, 18 months, 2 years, 3 years, 4 years, 5 years, 6 years, 8 years, 10, years, and 12 years. The coverage may be limited to services that are provided by, or under the supervision of, a single physician during the course of any one visit. Also, the benefits may be subject to the same durational limits, dollar limits, deductibles, and copayments as other covered services.

- Missouri has a statute restricting insurance coverage for elective abortions. The Missouri law request that no health insurance policy issued in the state cover elective abortions unless the coverage is provided by an optional rider at additional cost. The state says the law was passed in an effort to reduce the cost of health insurance and to protect the interest of citizens who object to subsidizing abortions through payment of their insurance premiums.
- Missouri requires that employers who self-fund for losses up to a set aggregate dollar amount, and then protected by an insurance policy for extraordinary loss, will be regulated by the state. The statute was established to assure that the utilization of self-funding-backed-by-insurance mechanism does not become a method by which insurers and employers avoid the application of Missouri's insurance laws regarding premium taxes, mandated, etc.
- All group health insurance policies, group services or indemnity contracts, and self-funded group health benefits plans must offer coverage for the necessary care and treatment of loss or impairment of speech or hearing, subject to the same durational limits, dollar limits, deductibles, and coinsurance policies as other covered services in the policies or contracts.

## **MEWA Regulation**

Missouri does not regulate MEWAs.

## **TPA Regulations**

The state of Missouri enacted a TPA registration statute in 1989.<sup>1</sup>

- TPAs must file an application form for a certificate of registration. The application fee is \$75. The certificate of registration is renewable annually on July 1.
- TPAs must file notification forms of trust agreements. The application fee is \$10 and must be filed between March 1 and September 1 of each year. There is no fee for notification of a termination of a trust agreement.
- Under the bonding requirements, each administrator must have a fidelity or fiduciary bond covering all of the administrator's employees for a minimum of \$100,000.
- The fidelity or fiduciary bond must be provided by an insurance company licensed in Missouri. The bond must be provided with a minimum of one—year discovery period and contain a minimum 30-day notice of cancellation period.
- An affiliate or subsidiary of an insurance company licensed in Missouri is not required to file such bond so long as the Director of Insurance is satisfied with the financial condition of the company.
- The Missouri Secretary of State will not accept the Director of Insurance for service of process, but the state of Missouri does recommend companies that provide such service.

## **Stop-Loss Regulation**

By regulations,<sup>2</sup> the Insurance Department is requiring a \$7,500 minimum specific and a minimum 120% aggregate limit.

## **Utilization Firm Regulations**

Agency Responsible <sup>3</sup>	Dept. of Insurance
Requirements	Registration-Certification
Exemptions	ERISA plans; HMOs doing reviews on own members
Waivers	None
Comments	Special certification required for chiropractic consultants.

## Miscellaneous

### State Premium Taxes

Commercial insurers are taxed at 2%; Blue Cross or HMOs are not taxed.

### Small Group Reform<sup>4</sup>

Limited mandate policies may be offered by employers who employ 50 or fewer persons. Must clearly disclose nature of policy.

### MSA Legislation<sup>5</sup>

Who May Establish	Only through an employer
Tax Treatment	Amounts used to pay medical expenses and interest earned are tax-exempt
Policy Deductible	Of employer's total contribution, 50% must be used for insurance and the remaining for the MSA
Max. Annual Deposit	Of employer's total contribution, 50% must be used for insurance and the remaining for the MSA
Non-Medical Withdrawals	Amounts withdrawn for non-medical expense will be deemed income
Eligible Medical Expenses	Tracks IRC §213

### Statutory Exemption for Out-of-State Certification

The Missouri statute provides that a foreign corporation may not transact business in the state until it obtains a certificate of authority from the Secretary of State. The following activities do not constitute transacting business: maintaining, defending, or settling any or proceeding transactions in interstate commerce. This statute may exempt many out-of-state TPAs from having to be registered in Missouri.

## Endnotes

- <sup>1</sup> Mo. Rev. Stat. §§ 375.925 to 375.929; Mo. Ins. Dept. Reg. § 190-12.140.
  - <sup>2</sup> Mo. Admin Code, tit. 20 § 400-2.150.
  - <sup>3</sup> Mo. Rev. Stat. §§ 374.500 *et. seq.*; Mo. Admin. Code, tit. 20 § 700-4.1 *et. seq.*
  - <sup>4</sup> Mo. Rev. Stat. §§ 376.995 and 379.930 to 379.952.
  - <sup>5</sup> Mo. Rev. Stat. § 376-601.
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