



STATE OF KANSAS

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July 23, 1979

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ATTORNEY GENERAL OPINION NO. 79- 152

The Honorable Fletcher Bell
Chairman, Committee on Surety Bonds and Insurance
First Floor, State Office Building
Topeka, Kansas 66612

Re: State Departments, Public Officers, Employees--
Surety Bonds and Insurance--Dental Insurance

Synopsis: Pursuant to K.S.A. 75-4108, the Committee on Surety Bonds and Insurance may purchase dental insurance coverage. Such purchase may be made as part of a contract for health or hospitalization insurance or by separate contract. Pursuant to K.S.A. 75-4110, for any contract providing dental coverage, the premium amount for any such individual coverage must be paid by the State of Kansas.

* * *

Dear Mr. Bell:

You advise that the Committee on Surety Bonds and Insurance is considering making dental insurance available to state officers and employees. You inquire first, whether the Committee is authorized by statute to enter into such a contract. K.S.A. 75-4108 vests in the Committee the discretion to determine the type of insurance coverage which shall be made available to state officers and employees as well as the terms and conditions for such coverage. This statute provides, in pertinent part:

The Honorable Fletcher Bell
Page Two
July 23, 1979

"The committee may enter into one or more group insurance contracts on behalf of state officers and employees to provide life insurance, hospitalization, medical services, surgical services or other health services or any combination thereof. The committee may establish the terms, conditions, specifications and coverages it deems to be in the best interest of the state and its officers and employees"

The Committee is thus given broad discretion to determine the type of insurance which shall be offered to state officers and employees so long as it relates to "life insurance, hospitalization, medical services, surgical services or other health services." (Emphasis added.) K.S.A. 75-4108. We are of the opinion that if the Committee in the exercise of its discretion, "deems it to be in the best interests of the state and its officers and employees" to provide coverage for dental services, such a determination is clearly within the authority granted by the statute.

You also inquire whether the contemplated dental coverage could be included in the contract providing other accident and health insurance coverage, or whether such coverage could be provided by separate contract, or, by either method. We again refer to the broad discretion conferred upon the Committee pursuant to K.S.A. 75-4108, which provides: "The committee may establish the terms, conditions, specifications and coverages that it deems to be in the best interest of the state and its officers and employees." K.S.A. 75-4108. Thus, whether such coverage should be offered as a part of a health or hospitalization insurance contract or as a separate insurance contract is, again, a matter left to the Committee's discretion, in its determination of the best interests of the state and its officers and employees.

Finally, you inquire whether the state would be obligated to pay the single member premium for dental coverage pursuant to K.S.A. 1978 Supp. 75-4110. By K.S.A. 1978 Supp. 75-4110, the state is obligated to provide individual insurance coverage to eligible state officers and employees. The statute provides in relevant part:

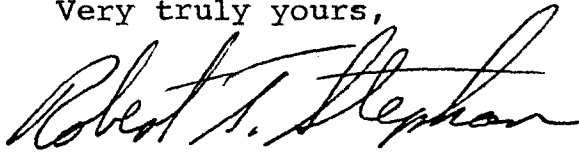
The Honorable Fletcher Bell
Page Three
July 23, 1979

"(a) Subject to K.S.A. 75-4108 and K.S.A. 75-4108a, and any amendments to said sections, the state shall provide for individual coverage for qualified state officers and employees, under one or more group insurance plans which provide hospitalization, medical services, surgical services or other health services or any combination thereof contracted for under authority of K.S.A. 75-4108."

The effect of the statute is to require the state to pay the premiums for individual coverage on insurance policies "contracted for under authority of K.S.A. 75-4108." Recalling that, in our opinion, dental insurance coverage is authorized by K.S.A. 75-4108, we believe that K.S.A. 1978 Supp. 75-4110 obligates the state to assume the costs for such individual employee coverage "under one or more group insurance plans . . . or any combination thereof contracted for under authority of K.S.A. 75-4108."

In summary, it is our opinion that, pursuant to K.S.A. 75-4108, the Committee on Surety Bonds and Insurance may purchase dental insurance coverage. Such purchase may be made as part of a contract for health or hospitalization insurance or by separate contract. Pursuant to K.S.A. 75-4110, for any contract providing dental coverage, the premium amount for any such individual coverage must be paid by the State of Kansas.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Bradley J. Smoot
Deputy Attorney General

RTS:BJS:gk