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Health insurance fine print: John Kefalas takes it on

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By J. David McSwane, Monday, Mar. 22 2010 @ 7:30AM
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Even as President Barack Obama and a divided Congress are on the cusp of formalizing historic, sweeping changes in the way the country handles health insurance, Colorado Representative John Kefalas, a Democrat from Fort Collins, is looking out for the little guy (he's barely over five feet tall -- but no pun intended).

According to Kefalas, Colorado's Division of Insurance get's "thousands of calls every year from consumers with questions about their insurance coverage" -- an expensive and time-consuming process for both citizens and the state. To clear up the mess, Kefalas introduced a Plain Language in Insurance bill, which passed out of the House last week on a final vote of 51-12, and is set to make its way through the Senate this week.

The bill, which, among other things, would require insurance policies to be written at a tenth grade reading level, has less to do with the polarizing, hot-button issue of health-care reform than it does consumer protection for all types of insurance plans -- health, auto, dental, you name it.

If it passes, Coloradans might not have to worry so much about the fine print.

In 2008 alone, there were 800 documented inquiries to the state about how to read insurance policies -- and that's 800 too many for a state with resources spread recession-thin. "It seemed to make a lot of sense that, intuitively, people have a lot of difficulty understanding their insurance policies," Kefalas says.

To limit the number of questions, Kefalas asserted, insurance policies need to be written more succinctly and without all the unnecessary verbiage and complicated legalese. "I mean, how often do you read your insurance policy? It's like credit cards," he says.

With that in mind, he took a lesson from Rhode Island, which is among 36 other states has some sort of legal rubric for the lay folk. "It is going to cost [insurance companies] money to re-write some of these things," the legislator admits, adding that for that reason an amendment to the bill allows for policies to be administered electronically -- which is also conveniently green. "But in my opinion, it's just good business practice to make sure your consumers know what they're buying."

So come January 2012, if passed into law, Coloradans might find their insurance policies are



Whereas the sentence of this line does lack reasonable syntax therein, devoid of wordiness or legalese or both, or otherwise does lack sizable font to a specified degree, or both, call John Kefalas consumers concerned about it should.

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hardly more difficult to read than the daily newspaper. (We idiots write at about a seventh- or eighth-grade level. Yay, populism!) What's more, those policies couldn't be printed at any less than ten-point font.

"I can't even read ten anymore without glasses," Kefalas admits. The original bill vied for the even larger twelve-point print, "but it was a cost issue," as bigger print means more pages. This was just one of many concessions made at the behest of insurance companies.

But who's going to make sure Big Insurance toes the grammatical line? And how much is that going to cost tax payers? Answer: The very same Division of Insurance will regulate the policies, and it won't cost a dime, Kefalas says.

"It's not going to cost the state money; it's actually going to save us money," he argues. "It's not going to cost because the Division of Insurance has the capacity in terms of software to do that."

And that super high-tech software is... Microsoft Word?

That's right -- a simple readability statistics function on the program will be the test for the re-drafted policies. At the same time, bills will invariably fail that same test.

When asked why the bill itself -- or the hundreds of bills introduced each year -- isn't a little more reader friendly, Kefalas says that's a fair point. However, he points to a 1993 law drafted by then-Representative Ken Gordon to require state laws to be written in plain language (*Westword* voted it "Best New Law of the Year" after it was passed). Still, while the print is nice and large, bills are always a cumbersome read.

Case and point: Here's a blurb from Kefalas' House Bill 1166, the Plain Language in Insurance Bill:

AN INSURER ISSUING OR RENEWING AUTOMOBILE INSURANCE POLICIES SUBJECT TO THIS PART 6 SHALL NOT ISSUE OR RENEW A POLICY UNLESS THE TEXT OF THE POLICY FORM DOES NOT EXCEED THE TENTH-GRADE LEVEL, AS MEASURED BY THE FLESCH-KINCAID GRADE LEVEL FORMULA, OR DOES NOT SCORE LESS THAN FIFTY AS MEASURED BY THE FLESCH READING EASE FORMULA.

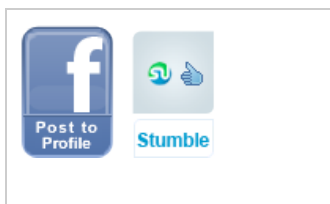
Just for kicks *Westword* ran this blurb through Word's readability statistics, and the result wasn't surprising: The program calculated the blurb is written at a more than 25th grade level. But hey, it's not like these things affect every single Coloradan, most of whom have not earned multiple Ph.D.s...

According to the aforementioned [Flesch-Kincaid Grade Level Formula](#), the current bill would make Colorado among the strictest states in terms of insurance plan readability, Kefalas says. Most states set the bar lower, allowing for college or graduate-level writing of policies.

But by making the standard a tenth-grade reading level, with no smaller than ten-point font, Kefalas and the Division of Insurance hopes consumers, however dense, can figure out what they're signing. "We're trying to empower people, consumers, to understand this stuff on your own," Kefalas says.

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