

As Amended by House Committee

Session of 2013

HOUSE BILL No. 2099

By Committee on Insurance

1-24

1 AN ACT concerning insurance; pertaining to updating of certain statutory
2 references; amending K.S.A. 39-719e, 40-1612 and 40-19a10 and
3 K.S.A. 2012 Supp. 40-19c09 and repealing the existing sections; also
4 repealing K.S.A. 40-254.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 39-719e is hereby amended to read as follows: 39-
8 719e. (a) Upon the request of the secretary ~~of social and rehabilitation~~
9 ~~services the department for children and families~~ **for aging and disability**
10 **services or the Kansas department of health and environment, or**
11 **both**, each medical benefit plan provider that provides or maintains a
12 medical benefit plan, that provides any hospital or medical services or any
13 other health care or other medical benefits or services, or both, in Kansas,
14 shall provide the secretary with information, to the extent known by the
15 medical benefit plan provider, identifying each person who is covered by
16 such medical benefit plan or who is otherwise provided any such hospital
17 or medical services or any other such health care or other medical benefits
18 or services, or both, in Kansas under such medical benefit plan. The
19 information shall be provided in such form as is prescribed by the
20 secretary for the purpose of comparing such information with medicaid
21 beneficiary information maintained by the secretary to assist in identifying
22 other health care or medical benefit coverage available to medicaid
23 beneficiaries. The secretary shall reimburse each medical benefit plan
24 provider that provides information under this section for the reasonable
25 cost of providing such information.

26 (b) All information provided by medical benefit plan providers under
27 this section shall be confidential and shall not be disclosed pursuant to the
28 provisions of the open records act or under the provisions of any other law.
29 Such information may be used solely for the purpose of determining
30 whether medical assistance has been paid or is eligible to be paid by the
31 secretary for which a recovery from a medical benefit plan provider is due
32 under K.S.A. 39-719a, and amendments thereto.

33 (c) Failure to provide information pursuant to a request by the
34 secretary ~~of social and rehabilitation services the department for children~~
35 ~~and families~~ **for aging and disability services or the Kansas department**
36 **of health and environment, or both**, under this section shall constitute a

1 failure to reply to an inquiry of the commissioner of insurance and shall be
2 subject to the penalties applicable thereto under K.S.A. ~~40-226~~ 40-2,125,
3 and amendments thereto. If a medical plan provider fails to provide
4 information to the secretary ~~of social and rehabilitation services the~~
5 ~~department for children and families~~ **for aging and disability services or**
6 **the Kansas department of health and environment, or both**, pursuant to
7 a request under this section, the secretary shall notify the commissioner of
8 such failure. The commissioner of insurance may pursue each such failure
9 to provide such information in accordance with K.S.A. ~~40-226~~ 40-2,125,
10 and amendments thereto.

11 (d) As used in this section:

12 (1) "Medical benefit plan" means any accident and health insurance
13 or any other policy, contract, plan or agreement that provides benefits or
14 services, or both, for any hospital or medical services or any other health
15 care or medical benefits or services, or both, in Kansas, whether or not
16 such benefits or services, or both, are provided pursuant to individual,
17 group, blanket or certificates of accident and sickness insurance, any other
18 insurance providing any accident and health insurance, or any other policy,
19 contract, plan or agreement providing any such benefits or services, or
20 both, in Kansas, and includes any policy, plan, contract or agreement
21 offered in Kansas pursuant to the federal employee retirement income
22 security act of 1974 (ERISA) that provides any hospital or medical
23 services or any other health care or medical benefits or services, or both, in
24 Kansas; and

25 (2) "medical benefit plan provider" means any insurance company,
26 nonprofit medical and hospital service corporation, health maintenance
27 organization, fraternal benefit society, municipal group-funded pool,
28 group-funded workers compensation pool or any other entity providing or
29 maintaining a medical benefit plan.

30 (e) No medicaid provider who rendered professional services to a
31 medicaid beneficiary and was paid by the secretary for such services shall
32 be liable to the medical benefit plan provider for any amounts recovered
33 pursuant to this act or pursuant to the provisions of K.S.A. 39-719a, and
34 amendments thereto.

35 Sec. 2. K.S.A. 40-1612 is hereby amended to read as follows: 40-
36 1612. In addition to the provisions of this article, the provisions set forth in
37 the following sections of the Kansas Statutes Annotated, and amendments
38 thereto, which govern other types of insurance companies shall apply to
39 reciprocals to the extent that such provisions do not conflict with the
40 provisions of this article: Sections 40-208, 40-209, 40-214, 40-215, 40-
41 216, 40-218, 40-220, 40-221a, 40-222, 40-223, 40-224, 40-225, 40-229,
42 40-229a, 40-231, 40-233, 40-234, 40-234a, 40-235, 40-236, 40-237, 40-
43 238, 40-239, 40-240, 40-241, 40-242, 40-244, 40-245, 40-246, except as to

1 contracts written through traveling salaried representatives to whom no
2 commissions are paid, 40-246a, 40-247, 40-248, 40-249, 40-250, 40-251,
3 40-253, ~~40-254~~, 40-256, 40-281, 40-2,125, 40-2,126, 40-2,127, 40-2,128,
4 40-2,156, 40-2,156a, 40-2,157, 40-2,159, 40-952, 40-2001, 40-2002, 40-
5 2003, 40-2004, 40-2005, 40-2006 and 40-2404 and article 2a *of chapter 40*
6 *of the Kansas Statutes Annotated*, and amendments thereto, and any other
7 provision of law pertaining to insurance which specifically refers to
8 reciprocals.

9 Sec. 3. K.S.A. 40-19a10 is hereby amended to read as follows: 40-
10 19a10. (a) Such corporations shall be subject to the provisions of K.S.A.
11 40-214, 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225,
12 ~~40-226~~, 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248,
13 40-249, 40-250, 40-251, 40-252, ~~40-254~~, 40-2,102, 40-2a01 et seq., 40-
14 2215 to 40-2220, inclusive, 40-2253, 40-2401 to 40-2421, inclusive, 40-
15 3301 to 40-3313, inclusive, K.S.A. ~~40-2,125~~, 40-2,154 and 40-2,161, and
16 amendments thereto, except as the context otherwise requires, and shall
17 not be subject to any other provisions of the insurance code except as
18 expressly provided in this act.

19 (b) No policy, agreement, contract or certificate issued by a
20 corporation to which this section applies shall contain a provision which
21 excludes, limits or otherwise restricts coverage because medicaid benefits
22 as permitted by title XIX of the social security act of 1965 are or may be
23 available for the same accident or illness.

24 (c) Violation of subsection (b) shall be subject to the penalties
25 prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

26 Sec. 4. K.S.A. 2012 Supp. 40-19c09 is hereby amended to read as
27 follows: 40-19c09. (a) Corporations organized under the nonprofit medical
28 and hospital service corporation act shall be subject to the provisions of
29 the Kansas general corporation code, articles 60 to 74, inclusive, of
30 chapter 17 of the Kansas Statutes Annotated, and amendments thereto,
31 applicable to nonprofit corporations, to the provisions of K.S.A. 40-214,
32 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, ~~40-226~~,
33 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249,
34 40-250, 40-251, 40-252, ~~40-254~~, 40-2,100, 40-2,101, 40-2,102, 40-2,103,
35 40-2,104, 40-2,105, 40-2,116, 40-2,117, ~~40-2,125~~, 40-2,153, 40-2,154, 40-
36 2,160, 40-2,161, 40-2,163 through 40-2,170, inclusive, 40-2a01 et seq.,
37 40-2111 to 40-2116, inclusive, 40-2215 to 40-2220, inclusive, 40-2221a,
38 40-2221b, 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-
39 2401 to 40-2421, inclusive, and 40-3301 to 40-3313, inclusive, K.S.A.
40 2012 Supp. 40-2,105a, 40-2,105b, 40-2,184 and 40-2,190, and
41 amendments thereto, except as the context otherwise requires, and shall
42 not be subject to any other provisions of the insurance code except as
43 expressly provided in this act.

1 (b) No policy, agreement, contract or certificate issued by a
2 corporation to which this section applies shall contain a provision which
3 excludes, limits or otherwise restricts coverage because medicaid benefits
4 as permitted by title XIX of the social security act of 1965 are or may be
5 available for the same accident or illness.

6 (c) Violation of subsection (b) shall be subject to the penalties
7 prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

8 Sec. 5. K.S.A. 39-719e, 40-254, 40-1612 and 40-19a10 and K.S.A.
9 2012 Supp. 40-19c09 are hereby repealed.

10 Sec. 6. This act shall take effect and be in force from and after its
11 publication in the statute book.