

SENATE BILL No. 48

By Senator Sykes

1-21

1 AN ACT concerning insurance; relating to health insurance plans;
2 providing requirements for coverage of diagnostic examinations for
3 breast cancer; amending K.S.A. 2020 Supp. 40-2,103 and 40-19c09 and
4 repealing the existing sections.

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

7 New Section 1. (a) Every individual or group health insurance policy,
8 medical service plan, contract, hospital service corporation contract,
9 hospital and medical service corporation contract, fraternal benefit society
10 or health maintenance organization that provides coverage for accident and
11 health services that is delivered, issued for delivery, amended or renewed
12 on or after January 1, 2022, and that provides benefits for diagnostic
13 examinations for breast cancer shall ensure that the cost-sharing
14 requirements and treatment limitations that are applicable to a diagnostic
15 examination for breast cancer are not less favorable for an insured than
16 such requirements and limitations that apply to a screening examination
17 for breast cancer for such insured.

18 (b) The provisions of K.S.A. 40-2248 and 40-2249a, and amendments
19 thereto, shall not apply to this section.

20 (c) As used in this section:

21 (1) "Cost-sharing requirements" means any deductible, coinsurance,
22 copayment or any maximum limitation on the application of a deductible,
23 coinsurance, copayment or similar out-of-pocket expense.

24 (2) "Diagnostic examination for breast cancer" means a medically
25 necessary and appropriate examination, as determined by a duly
26 authorized healthcare professional treating the insured, for breast cancer to
27 evaluate an abnormality in the breast that is:

28 (A) Seen or suspected from a screening examination for breast
29 cancer;

30 (B) detected by another means of examination; or

31 (C) suspected based on the medical or family medical history of the
32 individual.

33 (3) "Screening examination for breast cancer" means an examination
34 used to evaluate an abnormality in a breast using diagnostic
35 mammography or magnetic resonance imaging or ultrasound of the breast.

36 Sec. 2. K.S.A. 2020 Supp. 40-2,103 is hereby amended to read as

1 follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-
2 2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170;
3 *and* 40-2250, *and amendments thereto*, *and* K.S.A. 2020 Supp. 40-2,105a,
4 40-2,105b, 40-2,184, 40-2,190, 40-2,194~~and~~, 40-2,210 through 40-2,216
5 *and section 1*, *and amendments thereto*, shall apply to all insurance
6 policies, subscriber contracts or certificates of insurance delivered,
7 renewed or issued for delivery within or outside of this state or used within
8 this state by or for an individual who resides or is employed in this state.

9 Sec. 3. K.S.A. 2020 Supp. 40-19c09 is hereby amended to read as
10 follows: 40-19c09. (a) Corporations organized under the nonprofit medical
11 and hospital service corporation act shall be subject to the provisions of
12 the Kansas general corporation code, articles 60 through 74 of chapter 17
13 of the Kansas Statutes Annotated, and amendments thereto, applicable to
14 nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-
15 216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-229, 40-230, 40-
16 231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-
17 252, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-
18 2,116, 40-2,117, 40-2,125, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-
19 2,163 through 40-2,170, 40-2a01 et seq., 40-2111 through 40-2116, 40-
20 2215 through 40-2220, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250,
21 40-2251, 40-2253, 40-2254, 40-2401 through 40-2421; *and* 40-3301
22 through 40-3313, *and amendments thereto*, *and* K.S.A. 2020 Supp. 40-
23 2,105a, 40-2,105b, 40-2,184, 40-2,190, 40-2,194~~and~~, 40-2,210 through
24 40-2,216 *and section 1*, *and amendments thereto*, except as the context
25 otherwise requires, and shall not be subject to any other provisions of the
26 insurance code except as expressly provided in this act.

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

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

34 Sec. 4. K.S.A. 2020 Supp. 40-2,103 and 40-19c09 are hereby
35 repealed.

36 Sec. 5. This act shall take effect and be in force from and after its
37 publication in the statute book.