

HOUSE BILL No. 2099

Proposed Amendments for HB 2099
February 18, 2013
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Office of the Revisor of Statutes

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. 40-19e09 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 family~~, each medical benefit

For aging and disability services or the Kansas
department of health and environment, or both

10 plan provider that provides or maintains a medical benefit plan, that
11 provides any hospital or medical services or any other health care or other
12 medical benefits or services, or both, in Kansas, shall provide the secretary
13 with information, to the extent known by the medical benefit plan
14 provider, identifying each person who is covered by such medical benefit
15 plan or who is otherwise provided any such hospital or medical services or
16 any other such health care or other medical benefits or services, or both, in
17 Kansas under such medical benefit plan. The information shall be
18 provided in such form as is prescribed by the secretary for the purpose of
19 comparing such information with medicaid beneficiary information
20 maintained by the secretary to assist in identifying other health care or
21 medical benefit coverage available to medicaid beneficiaries. The
22 secretary shall reimburse each medical benefit plan provider that provides
23 information under this section for the reasonable cost of providing such
24 information.

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

32 (c) Failure to provide information pursuant to a request by the
33 secretary ~~of social and rehabilitation services—the department for children~~
34 ~~and family~~ under this section shall constitute a failure to reply to an
35 inquiry of the commissioner of insurance and shall be subject to the
36 penalties applicable thereto under K.S.A.—40-226 40-2,125, and

For aging and disability services or the Kansas
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1 amendments thereto. If a medical plan provider fails to provide
 2 information to the secretary ~~[of social and rehabilitation services the~~
 3 ~~department for children and families]~~ pursuant to a request under this
 4 section, the secretary shall notify the commissioner of such failure. The
 5 commissioner of insurance may pursue each such failure to provide such
 6 information in accordance with K.S.A. ~~40-226~~ 40-2,125, and amendments
 7 thereto.

8 (d) As used in this section:

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

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

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

32 Sec. 2. K.S.A. 40-1612 is hereby amended to read as follows: 40-
 33 1612. In addition to the provisions of this article, the provisions set forth in
 34 the following sections of the Kansas Statutes Annotated, and amendments
 35 thereto, which govern other types of insurance companies shall apply to
 36 reciprocals to the extent that such provisions do not conflict with the
 37 provisions of this article: Sections 40-208, 40-209, 40-214, 40-215, 40-
 38 216, 40-218, 40-220, 40-221a, 40-222, 40-223, 40-224, 40-225, 40-229,
 39 40-229a, 40-231, 40-233, 40-234, 40-234a, 40-235, 40-236, 40-237, 40-
 40 238, 40-239, 40-240, 40-241, 40-242, 40-244, 40-245, 40-246, except as to
 41 contracts written through traveling salaried representatives to whom no
 42 commissions are paid, 40-246a, 40-247, 40-248, 40-249, 40-250, 40-251,
 43 40-253, 40-254, 40-256, 40-281, 40-2,125, 40-2,126, 40-2,127, 40-2,128,

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 department of health and environment, or both