

SENATE BILL No. 401

By Senator Miller

2-11

1 AN ACT concerning insurance; health insurance coverage; hearing
2 instruments; amending K.S.A. 2019 Supp. 40-2,103 and 40-19c09 and
3 repealing the existing sections.
4

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

6 New Section 1. (a) Any individual or group health insurance policy,
7 medical service plan, contract, hospital service corporation contract,
8 hospital and medical service corporation contract, fraternal benefit society
9 or health maintenance organization that provides coverage for accident and
10 health services and that is delivered, issued for delivery, amended or
11 renewed on or after July 1, 2021, except as provided in subsection (d),
12 shall provide coverage for hearing instruments, including necessary
13 batteries and repairs, fitted or dispensed by a person authorized by law to
14 fit or dispense a hearing instrument. Such policy, provision, contract, plan
15 or agreement may apply to such services the same deductibles,
16 coinsurance and other limitations as applied to other covered services.

17 (b) As used in this section, "hearing instrument" means the same as
18 defined in K.S.A. 74-5807, and amendments thereto.

19 (c) This section shall not apply to any policy or certificate that
20 provides coverage for any specified disease, specified accident or accident
21 only coverage, credit, dental, disability income, hospital indemnity, long-
22 term care insurance as defined by K.S.A. 40-2227, and amendments
23 thereto, vision care or any other limited supplemental benefit nor to any
24 medicare supplement policy of insurance as defined by the commissioner
25 of insurance by rules and regulations, any coverage issued as a supplement
26 to liability insurance, workers compensation or similar insurance,
27 automobile medical-payment insurance or any insurance under which
28 benefits are payable with or without regard to fault, whether written on a
29 group, blanket or individual basis.

30 (d) (1) From and after July 1, 2020, the provisions of this section
31 shall apply to the state healthcare benefits program.

32 (2) Pursuant to the provisions of K.S.A. 40-2249a, and amendments
33 thereto, on or before March 1, 2021, the state employees healthcare
34 commission shall submit to the president of the senate and to the speaker
35 of the house of representatives a report indicating the impact that
36 provisions of this section have had on the state healthcare benefits

1 program, including data on the utilization and costs of such coverage. Such
2 report shall also include a recommendation whether such coverage should
3 continue for the state healthcare benefits program or additional utilization
4 and cost data is required.

5 Sec. 2. K.S.A. 2019 Supp. 40-2,103 is hereby amended to read as
6 follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-
7 2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170,
8 40-2250, *and amendments thereto*, and K.S.A. 2019 Supp. 40-2,105a, 40-
9 2,105b, 40-2,184, 40-2,190, 40-2,194 ~~and~~, 40-2,210 through 40-2,216 *and*
10 *section 1*, and amendments thereto, shall apply to all insurance policies,
11 subscriber contracts or certificates of insurance delivered, renewed or
12 issued for delivery within or outside of this state or used within this state
13 by or for an individual who resides or is employed in this state.

14 Sec. 3. K.S.A. 2019 Supp. 40-19c09 is hereby amended to read as
15 follows: 40-19c09. (a) Corporations organized under the nonprofit medical
16 and hospital service corporation act shall be subject to the provisions of
17 the Kansas general corporation code, articles 60 through 74 of chapter 17
18 of the Kansas Statutes Annotated, and amendments thereto, applicable to
19 nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-
20 216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-229, 40-230, 40-
21 231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-
22 252, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-
23 2,116, 40-2,117, 40-2,125, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-
24 2,163 through 40-2,170, 40-2a01 et seq., 40-2111 through 40-2116, 40-
25 2215 through 40-2220, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250,
26 40-2251, 40-2253, 40-2254, 40-2401 through 40-2421, and 40-3301
27 through 40-3313, *and amendments thereto*, and K.S.A. 2019 Supp. 40-
28 2,105a, 40-2,105b, 40-2,184, 40-2,190, 40-2,194 ~~and~~, 40-2,210 through
29 40-2,216 *and section 1*, and amendments thereto, except as the context
30 otherwise requires, and shall not be subject to any other provisions of the
31 insurance code except as expressly provided in this act.

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

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

39 Sec. 4. K.S.A. 2019 Supp. 40-2,103 and 40-19c09 are hereby
40 repealed.

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