

HOUSE BILL No. 2162

By Representative J. Peterson

1-24

AN ACT relating to accident and health insurance; providing coverage for durable medical equipment; amending K.S.A. 40-2,103 and 40-19c09 and repealing the existing sections.

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

New Section 1. (a) Any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization which provides coverage for accident and health services and which is delivered, issued for delivery, amended or renewed on or after July 1, 2001, also, shall provide coverage for durable medical equipment in the amount of at least \$7,500 per individual per year. Power equipment, including powered wheelchairs and scooters, shall be covered when prescribed by a physician.

(b) The benefits provided in this act shall be subject to the same annual deductible or co-insurance established for all other covered benefits within a given policy.

(c) As used in this section, "durable medical equipment" means:

(1) Any item, piece of equipment or product system, whether bought off the shelf, modified or customized, that:

(A) Is capable of withstanding repeated use;

(B) is used to correct or accommodate a physiological condition or physical disability; and

(C) allows the user to regain, maintain, increase or improve cognitive or physical functions which are prevented or restricted due to disability such functions include, but are not limited to, ambulating from place to place independently, reading, comprehending spoken language or environmental sounds, expressive communications, counting, memorizing or gathering thoughts. Examples of such equipment shall include, but not be limited to, manual wheelchairs, motorized wheelchairs, motorized scooters and other aides that enhance the mobility of an individual, low vision devices, CCTVs, hearing aides and augmentative communication devices; or

(2) any services which directly assist in the selection, acquisition or use of durable medical equipment.

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

9 Sec. 3. K.S.A. 40-19c09 is hereby amended to read as follows: 40-
10 19c09. (a) Corporations organized under the nonprofit medical and hos-
11 pital service corporation act shall be subject to the provisions of the Kan-
12 sas general corporation code, articles 60 to 74, inclusive, of chapter 17 of
13 the Kansas Statutes Annotated, applicable to nonprofit corporations, to
14 the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-219, 40-222,
15 40-223, 40-224, 40-225, 40-229, 40-231, 40-235, 40-236, 40-237, 40-247,
16 40-248, 40-249, 40-250, 40-251, 40-252, 40-254, 40-2,100, 40-2,101, 40-
17 2,102, 40-2,103, 40-2,104, 40-2,105, 40-2,116, 40-2,117, ~~40-2,153, 40-~~
18 ~~2,154, 40-2,160, 40-2,161, 40-2,163 through 40-2,170, inclusive,~~ 40-2a01
19 *et seq.*, 40-2111 to 40-2116, inclusive, 40-2215 to 40-2220, inclusive, 40-
20 2221a, 40-2221b, 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254,
21 40-2401 to 40-2421, inclusive, and 40-3301 to 40-3315, inclusive, ~~K.S.A.~~
22 ~~40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163, 40-2,164 and 40-2,165~~
23 ~~through 40-2,170 and section 1~~, and amendments thereto, except as the
24 context otherwise requires, and shall not be subject to any other provi-
25 sions of the insurance code except as expressly provided in this act.

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

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

33 New Sec. 4. The provisions of K.S.A. 40-2249a, and amendments
34 thereto, shall not apply to the provisions of this act.

35 Sec. 5. K.S.A. 40-2,103 and 40-19c09 are hereby repealed.

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

38
39
40
41
42
43