

HOUSE BILL No. 2721

By Committee on Insurance

2-4

AN ACT concerning insurance; providing coverage for colorectal cancer screening; amending K.S.A. 2003 Supp. 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, 2004, shall include coverage for colorectal examinations and laboratory tests for cancer for any non-symptomatic covered individual, in accordance with standard accepted published medical practice guidelines for colorectal cancer screening who is:

(1) At least 50 years of age;

(2) less than 50 years of age and at high risk for colorectal cancer according to standard accepted published medical guidelines.

(b) The coverage provided for by this section may be subject to annual deductibles and coinsurance provisions as may be deemed appropriate and consistent with other benefits under the plan or coverage.

(c) The provisions of this section shall be applicable to health maintenance organizations organized under article 32 of chapter 40 of the Kansas Statutes Annotated.

(d) The provisions of this section shall not apply to any medicare supplement policy of insurance, as defined by the commissioner of insurance by rule and regulation.

(e) The provisions of this section shall be applicable to the Kansas state employees health care benefits program and municipal funded pools.

(f) The provisions of this section shall not apply to any policy or certificate which provides coverage for any specified disease, specified accident or accident only coverage, credit, dental, disability income, hospital indemnity, long-term care insurance as defined by K.S.A. 40-2227 and amendments thereto, vision care or any other limited supplemental benefit nor to any medicare supplement policy of insurance as defined by

1 the commissioner of insurance by rule and regulation, any coverage issued
2 as a supplement to liability insurance, workers compensation or similar
3 insurance, automobile medical-payment insurance or any insurance un-
4 der which benefits are payable with or without regard to fault, whether
5 written on a group, blanket or individual basis.

6 New Sec. 2. The provisions of K.S.A. 40-2249a, and amendments
7 thereto, shall not apply to this act.

8 Sec. 3. K.S.A. 2003 Supp. 40-2,103 is hereby amended to read as
9 follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-
10 2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170,
11 inclusive, 40-2250, K.S.A. 2003 Supp. 40-2,105a and 40-2,105b, *and sec-*
12 *tion 1*, and amendments thereto, shall apply to all insurance policies,
13 subscriber contracts or certificates of insurance delivered, renewed or
14 issued for delivery within or outside of this state or used within this state
15 by or for an individual who resides or is employed in this state.

16 Sec. 4. K.S.A. 2003 Supp. 40-19c09 is hereby amended to read as
17 follows: 40-19c09. (a) Corporations organized under the nonprofit med-
18 ical and hospital service corporation act shall be subject to the provisions
19 of the Kansas general corporation code, articles 60 to 74, inclusive, of
20 chapter 17 of the Kansas Statutes Annotated, applicable to nonprofit cor-
21 porations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-
22 219, 40-222, 40-223, 40-224, 40-225, 40-226, 40-229, 40-230, 40-231, 40-
23 235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252,
24 40-254, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-
25 2,116, 40-2,117, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through
26 40-2,170, inclusive, 40-2a01 *et seq.*, 40-2111 to 40-2116, inclusive, 40-
27 2215 to 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-
28 2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-2421, inclusive, and 40-
29 3301 to 40-3313, inclusive, K.S.A. 2003 Supp. 40-2,105a and 40-2,105b,
30 *and section 1*, and amendments thereto, except as the context otherwise
31 requires, and shall not be subject to any other provisions of the insurance
32 code except as expressly provided in this act.

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

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

40 New Sec. 5. Sections 1 and 2, and amendments thereto, shall be
41 known as the Kansas colorectal cancer screening act.

42 Sec. 6. K.S.A. 2003 Supp. 40-2,103 and 40-19c09 are hereby
43 repealed.

1 Sec. 7. This act shall take effect and be in force from and after its
2 publication in the statute book.
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