

HOUSE BILL No. 2769

By Committee on Insurance and Financial Institutions

2-5

9 AN ACT relating to insurance; providing reimbursement for certain di-
10 etary formulas; amending K.S.A. 2007 Supp. 40-2,103 and 40-19c09
11 and repealing the existing sections.
12

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

14 New Section 1. (a) Any individual or group health insurance policy,
15 medical service plan, contract, hospital service corporation contract, hos-
16 pital and medical service corporation contract, fraternal benefit society
17 or health maintenance organization, municipal group-funded pool and the
18 state employee health care benefits plan which provides coverage for
19 hospital, medical and surgical services, other than medicare supplemental
20 or accident-only polices and which is delivered, issued for delivery,
21 amended or renewed on and after July 1, 2008, also, shall provide cov-
22 erage for:

23 (1) Special dietary formulas essential to the treatment of inborn er-
24 rors of metabolism, including treatment for phenylketonuria when rec-
25 ommended by a physician; and

26 (2) amino-acid-based elemental formulas when ordered by a physi-
27 cian for diagnosed cases of cystic fibrosis; amino acid, organic acid and
28 fatty acid metabolic and malabsorption disorders; IgE mediated allergies
29 to food proteins; food protein-induced enterocolitis syndrome; eosino-
30 philic esophagitis; eosinophilic gastroenteritis; and eosinophilic colitis,
31 when those conditions are diagnosed by an allergist, gastroenterologist or
32 pediatrician.

33 (b) Any policy, provision, contract, plan or agreement under this sec-
34 tion may apply to such services the same deductibles, coinsurance and
35 other limitations as apply to other covered services.

36 (c) The provisions of this section shall not apply to any policy or cer-
37 tificate which provides coverage for any specified disease, specified ac-
38 cident or accident only coverage, credit dental, disability income, hospital
39 indemnity, long-term care insurance as defined by K.S.A. 40-2227, and
40 amendments thereto, vision care or any other limited supplemental ben-
41 efit nor to any medicare supplement policy of insurance as defined by
42 the commissioner of insurance by rule and regulation, any coverage issued
43 as a supplement to liability insurance, workers compensation or similar

1 insurance, automobile medical-payment insurance or any insurance un-
2 der which benefits are payable with or without regard to fault, whether
3 written on a group, blanket or individual basis.

4 (d) The provisions of K.S.A. 40-2249a, and amendments thereto, shall
5 not apply to the provisions of this section.

6 Sec. 2. K.S.A. 2007 Supp. 40-2,103 is hereby amended to read as
7 follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-
8 2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170,
9 inclusive, 40-2250, K.S.A. 2007 Supp. 40-2,105a ~~and~~ 40-2,105b *and sec-*
10 *tion 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. 2007 Supp. 40-19c09 is hereby amended to read as
15 follows: 40-19c09. (a) Corporations organized under the nonprofit med-
16 ical and hospital service corporation act shall be subject to the provisions
17 of the Kansas general corporation code, articles 60 to 74, inclusive, of
18 chapter 17 of the Kansas Statutes Annotated, applicable to nonprofit cor-
19 porations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-
20 219, 40-222, 40-223, 40-224, 40-225, 40-226, 40-229, 40-230, 40-231, 40-
21 235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252,
22 40-254, 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, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through
24 40-2,170, inclusive, 40-2a01 et seq., 40-2111 to 40-2116, inclusive, 40-
25 2215 to 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-
26 2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-2421, inclusive, and 40-
27 3301 to 40-3313, inclusive, K.S.A. 2007 Supp. 40-2,105a ~~and~~ 40-2,105b
28 *and section 1*, and amendments thereto, except as the context otherwise
29 requires, and shall not be subject to any other provisions of the insurance
30 code except as expressly provided in this act.

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

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

38 Sec. 4. K.S.A. 2007 Supp. 40-2,103 and 40-19c09 are hereby
39 repealed.

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