

HOUSE BILL No. 2967

By Committee on Federal and State Affairs

3-12

9 AN ACT concerning insurance; relating to coverage for hospital, medical
10 and surgical services in a cancer clinical trial; amending K.S.A. 2007
11 Supp. 40-2,103 and 40-19c09 and repealing the existing sections.
12

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

14 New Section 1. (a) On or after the effective date of this act, every
15 health insurer which issues a health benefit plan providing medical, sur-
16 gical or hospital expense coverage shall provide that the amount paid for
17 providing covered medical, surgical or hospital services to an insured shall
18 be the same whether or not such provider providing the covered medical,
19 surgical or hospital services is a participating provider, belonging to such
20 health insurer's provider network.

21 (b) The payment required by subsection (a) shall not adversely affect
22 the insured's deductible or copayment under such health benefit plan.

23 (c) The coverage required by this section shall be subject to the same
24 annual deductibles, copayments or coinsurance limits as established for
25 all other covered benefits under the individual or group policy of accident
26 and sickness insurance referred to in subsection (a).

27 (d) For the purposes of this section:

28 (1) "Health benefit plan" shall have the meaning ascribed to it in
29 K.S.A. 40-4602 and amendments thereto.

30 (2) "Health insurer" shall have the meaning ascribed to it in K.S.A.
31 40-4602 and amendments thereto.

32 (3) "Provider" shall have the meaning ascribed to it in K.S.A. 40-4602
33 and amendments thereto.

34 (4) "Participating provider" shall have the meaning ascribed to it in
35 K.S.A. 40-4602 and amendments thereto.

36 (e) A health benefit plan shall provide notice to each insured or en-
37 rollee under such plan regarding the coverage required by this section in
38 the plan's evidence of coverage and shall provide additional written notice
39 of the coverage to the insured or enrollee as follows:

40 (1) In the next mailing made by the plan to the insured or enrolled
41 employee;

42 (2) as part of any yearly informational packet sent to the enrollee; or

43 (3) not later than December 1, 2008, whichever is earlier.

1 (f) The provisions of this act shall apply to all health benefit plans
2 issued or delivered within this state on or after January 1, 2009, and to
3 all health benefit plans in effect before January 1, 2009, which are re-
4 newed or amended on or after January 1, 2009.

5 (g) The provisions of this section shall not apply to any policy or cer-
6 tificate which provides coverage for any specified disease, specified ac-
7 cident or accident only coverage, credit, dental, disability income, hospital
8 indemnity, long-term care insurance as defined by K.S.A. 40-2227, and
9 amendments thereto, vision care or any other limited supplemental ben-
10 efit nor to any medicare supplement policy of insurance as defined by
11 the commissioner of insurance by rule and regulation, any coverage issued
12 as a supplement to liability insurance, workers' compensation or similar
13 insurance, automobile medical-payment insurance or any insurance un-
14 der which benefits are payable with or without regard to fault, whether
15 written on a group, blanket or individual basis.

16 (h) The provisions of this section shall apply to the Kansas state em-
17 ployee health care benefits program and municipal funded pools.

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

20 Sec. 2. K.S.A. 2007 Supp. 40-2,103 is hereby amended to read as
21 follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-
22 2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170,
23 inclusive, 40-2250, K.S.A. 2007 Supp. 40-2,105a ~~and~~, 40-2,105b *and sec-*
24 *tion 1*, and amendments thereto, shall apply to all insurance policies,
25 subscriber contracts or certificates of insurance delivered, renewed or
26 issued for delivery within or outside of this state or used within this state
27 by or for an individual who resides or is employed in this state.

28 Sec. 3. K.S.A. 2007 Supp. 40-19c09 is hereby amended to read as
29 follows: 40-19c09. (a) Corporations organized under the nonprofit med-
30 ical and hospital service corporation act shall be subject to the provisions
31 of the Kansas general corporation code, articles 60 to 74, inclusive, of
32 chapter 17 of the Kansas Statutes Annotated, applicable to nonprofit cor-
33 porations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-
34 219, 40-222, 40-223, 40-224, 40-225, 40-226, 40-229, 40-230, 40-231, 40-
35 235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252,
36 40-254, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-
37 2,116, 40-2,117, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through
38 40-2,170, inclusive, 40-2a01 et seq., 40-2111 to 40-2116, inclusive, 40-
39 2215 to 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-
40 2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-2421, inclusive, and 40-
41 3301 to 40-3313, inclusive, K.S.A. 2007 Supp. 40-2,105a ~~and~~, 40-2,105b
42 *and section 1*, and amendments thereto, except as the context otherwise
43 requires, and shall not be subject to any other provisions of the insurance

1 code except as expressly provided in this act.

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

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

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

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