

SENATE BILL No. 104

By Committee on Financial Institutions and Insurance

1-26

9 AN ACT concerning insurance; providing reimbursement for certain
10 services; amending K.S.A. 2008 Supp. 40-2,103 and 40-19c09 and re-
11 pealing the existing sections.
12

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

14 New Section 1. Notwithstanding any provision of an individual or
15 group policy or contract of health and accident insurance, delivered
16 within the state, whenever such policy or contract shall provide for re-
17 imbursement for any mental health service within the lawful scope of
18 practice of a duly licensed clinical marriage and family therapist author-
19 ized to engage in private, independent practice within the state of Kansas,
20 the insured, or any other person covered by policy or contract shall be
21 allowed and entitled to reimbursement for such service irrespective of
22 whether it was provided or performed by a duly licensed physician, or a
23 duly licensed clinical marriage and family therapist. Nothing contained in
24 this act shall be construed to expand the requirements for individual or
25 group policy or contract of health and accident health insurance to pro-
26 vide mental health services pursuant to K.S.A. 40-2,105 and K.S.A. 2008
27 Supp. 40-2,105a, and amendments thereto.

28 New Sec. 2. Notwithstanding any provision of an individual or group
29 policy or contract of health and accident insurance, delivered within the
30 state, whenever such policy or contract shall provide for reimbursement
31 for any mental health service within the lawful scope of practice of a duly
32 licensed clinical professional counselor authorized to engage in private,
33 independent practice within the state of Kansas, the insured, or any other
34 person covered by policy or contract shall be allowed and entitled to
35 reimbursement for such service irrespective of whether it was provided
36 or performed by a duly licensed physician or a duly licensed clinical pro-
37 fessional counselor. Nothing contained in this act shall be construed to
38 expand the requirements for individual or group policy or contract of
39 health and accident health insurance to provide mental health services
40 pursuant to K.S.A. 40-2,105 and K.S.A. 2008 Supp. 40-2,105a, and
41 amendments thereto.

42 New Sec. 3. Notwithstanding any provision of an individual or group
43 policy or contract of health and accident insurance, delivered within the

1 state, whenever such policy or contract shall provide for reimbursement
2 for any mental health service within the lawful scope of practice of a duly
3 licensed clinical psychotherapist authorized to engage in private, inde-
4 pendent practice within the state of Kansas, the insured, or any other
5 person covered by policy or contract shall be allowed and entitled to
6 reimbursement for such service irrespective of whether it was provided
7 or performed by a duly licensed physician or a duly licensed clinical psy-
8 chotherapist. Nothing contained in this act shall be construed to expand
9 the requirements for individual or group policy or contract of health and
10 accident health insurance to provide mental health services pursuant to
11 K.S.A. 40-2,105 and K.S.A. 2008 Supp. 40-2,105a, and amendments
12 thereto.

13 Sec. 4. K.S.A. 2008 Supp. 40-2,103 is hereby amended to read as
14 follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-
15 2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170,
16 inclusive, 40-2250, K.S.A. 2008 Supp. 40-2,105a ~~and~~ 40-2,105b, *section*
17 *1, section 2 and section 3*, and amendments thereto, shall apply to all
18 insurance policies, subscriber contracts or certificates of insurance deliv-
19 ered, renewed or issued for delivery within or outside of this state or used
20 within this state by or for an individual who resides or is employed in this
21 state.

22 Sec. 5. K.S.A. 2008 Supp. 40-19c09 is hereby amended to read as
23 follows: 40-19c09. (a) Corporations organized under the nonprofit med-
24 ical and hospital service corporation act shall be subject to the provisions
25 of the Kansas general corporation code, articles 60 to 74, inclusive, of
26 chapter 17 of the Kansas Statutes Annotated, applicable to nonprofit cor-
27 porations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-
28 219, 40-222, 40-223, 40-224, 40-225, 40-226, 40-229, 40-230, 40-231, 40-
29 235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252,
30 40-254, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-
31 2,116, 40-2,117, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through
32 40-2,170, inclusive, 40-2a01 et seq., 40-2111 to 40-2116, inclusive, 40-
33 2215 to 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-
34 2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-2421, inclusive, and 40-
35 3301 to 40-3313, inclusive, K.S.A. 2008 Supp. 40-2,105a ~~and~~ 40-2,105b,
36 *section 1, section 2 and section 3*, and amendments thereto, except as the
37 context otherwise requires, and shall not be subject to any other provi-
38 sions of the insurance code except as expressly provided in this act.

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

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

3 Sec. 6. K.S.A. 2008 Supp. 40-2,103 and 40-19c09 are hereby
4 repealed.

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