

## HOUSE BILL No. 2176

By Committee on Health and Human Services

1-29

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1 AN ACT concerning health insurance policies providing prescription drug  
2 coverage; relating to fills and refills; amending K.S.A. 2014 Supp. 40-  
3 2,103 and 40-19c09 and repealing the existing sections.

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

6 New Section 1. (a) An individual or group health insurance policy  
7 providing prescription drug coverage in the state must permit and apply a  
8 prorated daily cost-sharing rate to prescriptions that are dispensed by a  
9 network pharmacy for less than a 30 days' supply if the prescriber or  
10 pharmacist determines the fill or refill to be in the best interest of the  
11 patient and the patient requests or agrees to less than a 30 days' supply for  
12 the purpose of synchronizing the patient's medications.

13 (b) No individual or group health insurance policy providing  
14 prescription drug coverage shall deny coverage for the dispensing of a  
15 chronic medication that is made in accordance with a plan among the  
16 health plan, individual beneficiary or group plan, a practitioner and a  
17 pharmacist for the purpose of synchronizing the filling or refilling of  
18 multiple prescriptions for the insured. The individual or group health plan  
19 must allow a pharmacy to override any denial codes indicating that a  
20 prescription is being refilled too soon for the purposes of medication  
21 synchronization.

22 (c) No individual or group health insurance policy providing  
23 prescription drug coverage shall use payment structures incorporating  
24 prorated dispensing fees. Dispensing fees for partially filled or refilled  
25 prescriptions shall be paid in full for each prescription dispensed,  
26 regardless of any prorated copay for the beneficiary or fee paid for  
27 alignment services.

28 (d) Any provision in an accident and health insurance policy,  
29 contract, plan or agreement offered in this state which violates the  
30 provisions of this section is void.

31 (e) Nothing in this section shall apply to any policy, plan, contract or  
32 agreement operating pursuant to the federal employee retirement income  
33 security act of 1974 (ERISA).

34 (f) The department of insurance shall enforce the provisions of this  
35 section with regard to any policy, contract, plan or agreement issued under  
36 authority of chapter 40 of the Kansas Statutes Annotated, and amendments

1 thereto.

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

4 Sec. 2. K.S.A. 2014 Supp. 40-2,103 is hereby amended to read as  
5 follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-  
6 2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170,  
7 inclusive, 40-2250, K.S.A. 2014 Supp. 40-2,105a, 40-2,105b, 40-2,184,  
8 40-2,190 ~~and~~, 40-2,194 *and section 1*, and amendments thereto, shall apply  
9 to all insurance policies, subscriber contracts or certificates of insurance  
10 delivered, renewed or issued for delivery within or outside of this state or  
11 used within this state by or for an individual who resides or is employed in  
12 this state.

13 Sec. 3. K.S.A. 2014 Supp. 40-19c09 is hereby amended to read as  
14 follows: 40-19c09.(a) Corporations organized under the nonprofit medical  
15 and hospital service corporation act shall be subject to the provisions of  
16 the Kansas general corporation code, articles 60 to 74, inclusive, of  
17 chapter 17 of the Kansas Statutes Annotated, and amendments thereto,  
18 applicable to nonprofit corporations, to the provisions of K.S.A. 40-214,  
19 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-229,  
20 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250,  
21 40-251, 40-252, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-  
22 2,105, 40-2,116, 40-2,117, 40-2,125, 40-2,153, 40-2,154, 40-2,160, 40-  
23 2,161, 40-2,163 through 40-2,170, inclusive, 40-2a01 et seq., 40-2111 to  
24 40-2116, inclusive, 40-2215 to 40-2220, inclusive, 40-2221a, 40-2221b,  
25 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-  
26 2421, inclusive, and 40-3301 to 40-3313, inclusive, K.S.A. 2014 Supp. 40-  
27 2,105a, 40-2,105b, 40-2,184, 40-2,190 ~~and~~, 40-2,194 *and section 1*, and  
28 amendments thereto, except as the context otherwise requires, and shall  
29 not be subject to any other provisions of the insurance code except as  
30 expressly provided in this act.

31 (b) No policy, agreement, contract or certificate issued by a  
32 corporation to which this section applies shall contain a provision which  
33 excludes, 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  
37 prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

38 Sec. 4. K.S.A. 2014 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.