

HOUSE BILL No. 2185

By Committee on Insurance

2-4

AN ACT concerning insurance; providing coverage for contraceptives; amending K.S.A. 2002 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. This act shall be known as the parity in prescription insurance and contraceptive coverage act of 2003.

New Sec. 2. (a) "Insured" means the beneficiary of any insurance company, fraternal benefit society, health maintenance organization and nonprofit hospital and medical service corporation authorized to transact health insurance business in this state.

(b) "Health insurance plan" means any hospital or medical expense policy, health, hospital or medical service corporation contract, and a plan provided by a municipal group-funded pool, or a health maintenance organization contract offered by an employer or any certificate issued under any such policies, contracts or plans. Health insurance plan does not include policies or certificates covering 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 the commissioner of insurance by rule and regulation, any coverage issued as a supplement to liability insurance, workers compensation or similar insurance, automobile medical-payment insurance or any insurance under which benefits are payable with or without regard to fault, whether written on a group, blanket, or individual basis.

(c) "Outpatient contraceptive services" means consultations, examinations, procedures and medical services, provided on an outpatient basis and related to the use of contraceptive methods to prevent pregnancy.

(d) "Commissioner" means the commissioner of insurance.

New Sec. 3. (a) Every health insurance plan that is delivered, issued, executed, or renewed in this state or approved for issuance or renewal in this state by the commissioner on or after July 1, 2003, which provides coverage for prescription drugs on an outpatient basis or outpatient services provided by a health care professional:

1 (1) Shall provide coverage for any prescribed drug or device approved
2 by the United States food and drug administration for use as a contra-
3 ceptive; and

4 (2) shall provide coverage for the insertion or removal of such device,
5 and any medically necessary examination associated with the use of such
6 contraceptive.

7 New Sec. 4. No health insurance plan shall:

8 (a) Impose any deductible, coinsurance, other cost-sharing or waiting
9 period in relation to benefits for prescription contraceptive drugs or de-
10 vices under a health insurance plan, unless such a deductible, coinsur-
11 ance, other cost-sharing or waiting period for such contraceptive drugs
12 and devices is no greater than such deductibles, coinsurance, cost-sharing
13 or waiting periods for other prescription drugs or devices covered under
14 the health insurance plan;

15 (b) impose any deductible, coinsurance, other cost-sharing or waiting
16 period in relation to benefits for outpatient contraceptive services under
17 a health insurance plan, unless such a deductible, coinsurance, other cost-
18 sharing or waiting period for such contraceptive services is no greater
19 than such deductibles, coinsurance, cost-sharing or waiting periods for
20 other outpatient services covered under the health insurance plan;

21 (c) deny to any individual or insured person eligibility, or continued
22 eligibility, to enroll or to renew coverage under the terms of the plan
23 because of the individual's or insured's use or potential use of items or
24 services that are covered in accordance with the requirements of this act;

25 (d) provide monetary payments or rebates to a covered person to
26 encourage such insured to accept less than the minimum protections
27 available under this act;

28 (e) penalize or otherwise reduce or limit the reimbursement of a
29 health care professional because such professional prescribed contracep-
30 tive drugs or devices, or provided contraceptive services in accordance
31 with this act; or

32 (f) provide any incentive, monetary or otherwise, to any health care
33 professional to induce such professional to withhold from an insured con-
34 traceptive drugs, devices or contraceptive services.

35 New Sec. 5. (a) Notwithstanding any other provision of this act, a
36 religious employer may request a health insurance plan contract without
37 coverage for food and drug administration approved contraceptive meth-
38 ods that are contrary to the religious employer's religious tenets. If a
39 religious employer so requests, a health insurance plan contract shall be
40 provided without coverage for contraceptive methods. This section shall
41 not be construed to deny an enrollee coverage of, and timely access to,
42 contraceptive methods.

43 (b) For purposes of this act, a "religious employer" is an entity for

1 which each of the following is true:

2 (1) The inculcation of religious values is the purpose of the entity;

3 (2) the entity primarily employs persons who share the religious ten-
4 ets of the entity;

5 (3) The entity serves primarily persons who share the religious tenets
6 of the entity; and

7 (4) the entity is a nonprofit organization as described in Section
8 6033(a)(2)(A)i or iii, of the federal internal revenue code of 1986, as
9 amended.

10 (c) Every religious employer that invokes the exemption provided
11 under this section shall provide written notice to prospective enrollees
12 prior to enrollment with the plan, listing the contraceptive health care
13 services the employer refuses to cover for religious reasons.

14 Sec. 6. K.S.A. 2002 Supp. 40-2,103 is hereby amended to read as
15 follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-
16 2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170,
17 inclusive, 40-2250, K.S.A. 2002 Supp. 40-2,105a ~~and~~ 40-2,105b *and sec-*
18 *tion 3*, and amendments thereto, shall apply to all insurance policies,
19 subscriber contracts or certificates of insurance delivered, renewed or
20 issued for delivery within or outside of this state or used within this state
21 by or for an individual who resides or is employed in this state.

22 Sec. 7. K.S.A. 2002 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. 2002 Supp. 40-2,105a ~~and~~ 40-2,105b
36 *and section 3*, and amendments thereto, except as the context otherwise
37 requires, and shall not be subject to any other provisions of the insurance
38 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. 8. K.S.A. 2002 Supp. 40-2,103 and 40-19c09 are hereby
4 repealed.

5 Sec. 9. This act shall take effect and be in force from and after its
6 publication in the statute book.

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