

HOUSE BILL No. 2823

By Representative Swenson

2-11

9 AN ACT concerning insurance; providing maternity coverage for de-
10 pendent children; amending K.S.A. 2003 Supp. 40-2,103 and 40-19c09
11 and repealing the existing sections.

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

14 New Section 1. Sections 1 through 4 and amendments thereto shall
15 be known and may be cited as the maternity coverage for dependent
16 children act.

17 New Sec. 2. (a) "Commissioner" means the commissioner of
18 insurance.

19 (b) "Dependent child" means an unmarried child of the insured who
20 is:

21 (1) Under the age of 19 years and resides with the insured; or

22 (2) a student under the age of 23 years and who is financially de-
23 pendent upon the insured.

24 (c) "Health insurance plan" means any hospital or medical expense
25 policy, health, hospital or medical service corporation contract, and a plan
26 provided by a municipal group-funded pool, or a health maintenance
27 organization contract offered by an employer or any certificate issued
28 under any such policies, contracts or plans. Health insurance plan does
29 not include policies or certificates covering any specified disease, speci-
30 fied accident or accident only coverage, credit, dental, disability income,
31 hospital indemnity, long-term care insurance as defined by K.S.A. 40-
32 2227 and amendments thereto, vision care or any other limited supple-
33 mental benefit nor to any medicare supplement policy of insurance as
34 defined by the commissioner of insurance by rule and regulation, any
35 coverage issued as a supplement to liability insurance, workers compen-
36 sation or similar insurance, automobile medical-payment insurance or any
37 insurance under which benefits are payable with or without regard to
38 fault, whether written on a group, blanket, or individual basis.

39 (d) "Insured" means the beneficiary of any insurance company, fra-
40 ternal benefit society, health maintenance organization and nonprofit hos-
41 pital and medical service corporation authorized to transact health insur-
42 ance business in this state.

43 New Sec. 3. (a) Every health insurance plan that is delivered, issued,

1 executed, or renewed in this state or approved for issuance or renewal in
2 this state by the commissioner on or after July 1, 2005, which provides
3 maternity services, including benefits for childbirth shall provide the same
4 maternity services, including benefits for childbirth, to any dependent
5 child of the insured.

6 (b) No health insurance plan shall:

7 (1) Impose any deductible, coinsurance, other cost-sharing or waiting
8 period in relation to providing maternity services, including benefits for
9 childbirth, to a dependent child of the insured under a health insurance
10 plan, unless such deductible, coinsurance, other cost-sharing or waiting
11 period for such maternity services, including benefits for childbirth is no
12 greater than such deductibles, coinsurance, cost-sharing or waiting per-
13 iods for other maternity services, including benefits for childbirth covered
14 under the health insurance plan; or

15 (2) deny to any individual or insured person eligibility, or continued
16 eligibility, to enroll or to renew coverage under the terms of the plan
17 because of the individual's, insured's or insured's dependent child use or
18 potential use of items or services that are covered in accordance with the
19 requirements of this act;

20 New Sec. 4. The provisions of K.S.A. 40-249a, and amendments
21 thereto, shall not apply to the provisions of this act.

22 Sec. 5. K.S.A. 2003 Supp. 40-2,103 is hereby amended to read as
23 follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-
24 2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170,
25 inclusive, 40-2250, K.S.A. 2003 Supp. 40-2,105a ~~and~~ 40-2,105b *and sec-*
26 *tion* 3, and amendments thereto, shall apply to all insurance policies,
27 subscriber contracts or certificates of insurance delivered, renewed or
28 issued for delivery within or outside of this state or used within this state
29 by or for an individual who resides or is employed in this state.

30 Sec. 6. K.S.A. 2003 Supp. 40-19c09 is hereby amended to read as
31 follows: 40-19c09. (a) Corporations organized under the nonprofit med-
32 ical and hospital service corporation act shall be subject to the provisions
33 of the Kansas general corporation code, articles 60 to 74, inclusive, of
34 chapter 17 of the Kansas Statutes Annotated, applicable to nonprofit cor-
35 porations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-
36 219, 40-222, 40-223, 40-224, 40-225, 40-226, 40-229, 40-230, 40-231, 40-
37 235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252,
38 40-254, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-
39 2,116, 40-2,117, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through
40 40-2,170, inclusive, 40-2a01 *et seq.*, 40-2111 to 40-2116, inclusive, 40-
41 2215 to 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-
42 2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-2421, inclusive, and 40-
43 3301 to 40-3313, inclusive, K.S.A. 2003 Supp. 40-2,105a ~~and~~ 40-2,105b

1 *and section 3*, and amendments thereto, except as the context otherwise
2 requires, and shall not be subject to any other provisions of the insurance
3 code except as expressly provided in this act.

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

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

11 Sec. 7. K.S.A. 2003 Supp. 40-2,103 and 40-19c09 are hereby
12 repealed.

13 Sec. 8. This act shall take effect and be in force from and after its
14 publication in the statute book.