

HOUSE BILL No. 2424

By Committee on Vision 2020

1-12

9 AN ACT concerning insurance; providing coverage for telemedicine;
10 amending K.S.A. 2009 Supp. 40-2,103 and 40-19c09 and repealing the
11 existing sections.
12

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

14 New Section 1. (a)(1) Any individual or group health insurance pol-
15 icy, medical service plan, contract, hospital service corporation contract,
16 hospital and medical service corporation contract, fraternal benefit society
17 or health maintenance organization which provides coverage for accident
18 and health services and which is delivered, issued for delivery, amended
19 or renewed on or after January 1, 2011, shall also provide coverage for
20 telemedicine including coverage for the originating site consistent with
21 medicare rules and regulations.

22 (2) Such telemedicine coverage shall be provided in a manner deter-
23 mined in consultation with the attending physician and the patient. Such
24 coverage may be subject to annual deductibles and coinsurance provisions
25 as may be deemed appropriate and as are consistent with those estab-
26 lished for other benefits under the plan or coverage.

27 (b) Each individual or group health insurance policy, medical service
28 plan, contract, hospital service corporation contract, hospital and medical
29 service corporation contract, fraternal benefit society or health mainte-
30 nance organization which provides coverage for accident and health serv-
31 ices which provides medical and surgical benefits shall provide written
32 notice, as currently required, to all enrollees, insureds or subscribers re-
33 garding the coverage required by this section.

34 (c) No individual or group health insurance policy, medical service
35 plan, contract, hospital service corporation contract, hospital and medical
36 service corporation contract, fraternal benefit society or health mainte-
37 nance organization which provides coverage for accident and health serv-
38 ices which provides medical and surgical benefits shall:

39 (1) Deny to a patient eligibility, or continued eligibility, to enroll or
40 to renew coverage under the terms of the plan, solely for the purpose of
41 avoiding the requirements of this section; and

42 (2) penalize or otherwise reduce or limit the reimbursement of an
43 attending provider, or provide incentives (monetary or otherwise) to an

1 attending provider, to induce such provider to provide care to an individ-
2 ual participant or beneficiary in a manner inconsistent with this section.

3 (d) The provisions of this section shall not apply to any policy or
4 certificate which provides coverage for any specified disease, specified
5 accident or accident only coverage, credit, dental, disability income, hos-
6 pital indemnity, long-term care insurance as defined by K.S.A. 40-2227,
7 and amendments thereto, vision care or any other limited supplemental
8 benefit nor to any medicare supplement policy of insurance as defined
9 by the commissioner of insurance by rule and regulation, any coverage
10 issued as a supplement to liability insurance, workers compensation or
11 similar insurance, automobile medical-payment insurance or any insur-
12 ance under which benefits are payable with or without regard to fault,
13 whether written on a group, blanket or individual basis.

14 (e) For the purposes of this section:

15 (1) "Emergency services" shall have the meaning ascribed to it in
16 K.S.A. 40-4602 and amendments thereto.

17 (2) "Physician" shall have the meaning ascribed to it in K.S.A. 40-
18 4602 and amendments thereto.

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

21 (4) "Telecommunications services" means interactive audio and video
22 telecommunications which permit real-time communication between the
23 distant site physician or practitioner and beneficiary. As a condition of
24 payment, the patient must be present and participating in the tele-health
25 visit.

26 (5) "Telemedicine" means the use of telecommunications services to
27 link health care practitioners and patients in different locations. Tele-
28 medicine includes any of the following provided through the use of tel-
29 ecommunications services:

30 (A) Consultation or office visit with a licensed health care
31 practitioner;

32 (B) individual psychotherapy;

33 (C) pharmacological management service; or

34 (D) emergency services.

35 New Sec. 2. The provisions of K.S.A. 40-2249a, and amendments
36 thereto, shall not apply to the provisions of this act.

37 Sec. 3. K.S.A. 2009 Supp. 40-2,103 is hereby amended to read as
38 follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-
39 2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170,
40 inclusive, 40-2250, K.S.A. 2009 Supp. 40-2,105a ~~and 40-2,105b~~, 40-
41 2,105b and section 1, and amendments thereto, shall apply to all insurance
42 policies, subscriber contracts or certificates of insurance delivered, re-
43 newed or issued for delivery within or outside of this state or used within

1 this state by or for an individual who resides or is employed in this state.

2 Sec. 4. K.S.A. 2009 Supp. 40-19c09 is hereby amended to read as
3 follows: 40-19c09. (a) Corporations organized under the nonprofit med-
4 ical and hospital service corporation act shall be subject to the provisions
5 of the Kansas general corporation code, articles 60 to 74, inclusive, of
6 chapter 17 of the Kansas Statutes Annotated, applicable to nonprofit cor-
7 porations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-
8 219, 40-222, 40-223, 40-224, 40-225, 40-226, 40-229, 40-230, 40-231, 40-
9 235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252,
10 40-254, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-
11 2,116, 40-2,117, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through
12 40-2,170, inclusive, 40-2a01 et seq., 40-2111 to 40-2116, inclusive, 40-
13 2215 to 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-
14 2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-2421, inclusive, and 40-
15 3301 to 40-3313, inclusive, K.S.A. 2009 Supp. 40-2,105a ~~and 40-2,105b,~~
16 ~~40-2,105b and section 1~~, and amendments thereto, except as the context
17 otherwise requires, and shall not be subject to any other provisions of the
18 insurance code except as expressly provided in this act.

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

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

26 Sec. 5. K.S.A. 2009 Supp. 40-2,103 and 40-19c09 are hereby
27 repealed.

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