

## HOUSE BILL No. 2546

By Representatives Moxley, Brunk, Williams, Brookens, Burroughs, Carlin, DeGraaf, George, Goico, Gordon, Grange, Hermanson, Hill, Huebert, Landwehr, Morrison, Neighbor, Proehl, Slattery, Spalding, Swanson, Swenson, Wetta, K. Wolf and Worley

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12 AN ACT concerning insurance; providing reimbursement for certain  
13 services; amending K.S.A. 2009 Supp. 40-2,103 and 40-19c09 and re-  
14 pealing the existing sections.  
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16 *Be it enacted by the Legislature of the State of Kansas:*

17 New Section 1. Notwithstanding any provision of an individual or  
18 group policy or contract of health and accident insurance, delivered  
19 within the state, whenever such policy or contract shall provide for re-  
20 imbursement for any mental health service within the lawful scope of  
21 practice of a duly licensed clinical marriage and family therapist author-  
22 ized to engage in private, independent practice within the state of Kansas,  
23 the insured, or any other person covered by policy or contract shall be  
24 allowed and entitled to reimbursement for such service irrespective of  
25 whether it was provided or performed by a duly licensed physician, or a  
26 duly licensed clinical marriage and family therapist. Nothing contained in  
27 this act shall be construed to expand the requirements for individual or  
28 group policy or contract of health and accident health insurance to pro-  
29 vide mental health services pursuant to K.S.A. 40-2,105 and K.S.A. 2009  
30 Supp. 40-2,105a, and amendments thereto.

31 New Sec. 2. Notwithstanding any provision of an individual or group  
32 policy or contract of health and accident insurance, delivered within the  
33 state, whenever such policy or contract shall provide for reimbursement  
34 for any mental health service within the lawful scope of practice of a duly  
35 licensed clinical professional counselor authorized to engage in private,  
36 independent practice within the state of Kansas, the insured, or any other  
37 person covered by policy or contract shall be allowed and entitled to  
38 reimbursement for such service irrespective of whether it was provided  
39 or performed by a duly licensed physician or a duly licensed clinical pro-  
40 fessional counselor. Nothing contained in this act shall be construed to  
41 expand the requirements for individual or group policy or contract of  
42 health and accident health insurance to provide mental health services  
43 pursuant to K.S.A. 40-2,105 and K.S.A. 2009 Supp. 40-2,105a, and

1 amendments thereto.

2 New Sec. 3. Notwithstanding any provision of an individual or group  
3 policy or contract of health and accident insurance, delivered within the  
4 state, whenever such policy or contract shall provide for reimbursement  
5 for any mental health service within the lawful scope of practice of a duly  
6 licensed clinical psychotherapist authorized to engage in private, inde-  
7 pendent practice within the state of Kansas, the insured, or any other  
8 person covered by policy or contract shall be allowed and entitled to  
9 reimbursement for such service irrespective of whether it was provided  
10 or performed by a duly licensed physician or a duly licensed clinical psy-  
11 chotherapist. Nothing contained in this act shall be construed to expand  
12 the requirements for individual or group policy or contract of health and  
13 accident health insurance to provide mental health services pursuant to  
14 K.S.A. 40-2,105 and K.S.A. 2009 Supp. 40-2,105a, and amendments  
15 thereto.

16 Sec. 4. K.S.A. 2009 Supp. 40-2,103 is hereby amended to read as  
17 follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-  
18 2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170,  
19 inclusive, 40-2250, K.S.A. 2009 Supp. 40-2,105a ~~and~~ 40-2,105b, *section*  
20 *1, section 2 and section 3*, and amendments thereto, shall apply to all  
21 insurance policies, subscriber contracts or certificates of insurance deliv-  
22 ered, renewed or issued for delivery within or outside of this state or used  
23 within this state by or for an individual who resides or is employed in this  
24 state.

25 Sec. 5. K.S.A. 2009 Supp. 40-19c09 is hereby amended to read as  
26 follows: 40-19c09. (a) Corporations organized under the nonprofit med-  
27 ical and hospital service corporation act shall be subject to the provisions  
28 of the Kansas general corporation code, articles 60 to 74, inclusive, of  
29 chapter 17 of the Kansas Statutes Annotated, applicable to nonprofit cor-  
30 porations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-  
31 219, 40-222, 40-223, 40-224, 40-225, 40-226, 40-229, 40-230, 40-231, 40-  
32 235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252,  
33 40-254, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-  
34 2,116, 40-2,117, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through  
35 40-2,170, inclusive, 40-2a01 et seq., 40-2111 to 40-2116, inclusive, 40-  
36 2215 to 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-  
37 2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-2421, inclusive, and 40-  
38 3301 to 40-3313, inclusive, K.S.A. 2009 Supp. 40-2,105a ~~and~~ 40-2,105b,  
39 *section 1, section 2 and section 3*, and amendments thereto, except as the  
40 context otherwise requires, and shall not be subject to any other provi-  
41 sions of the insurance code except as expressly provided in this act.

42 (b) No policy, agreement, contract or certificate issued by a corpo-  
43 ration to which this section applies shall contain a provision which ex-

1 cludes, limits or otherwise restricts coverage because medicaid benefits  
2 as permitted by title XIX of the social security act of 1965 are or may be  
3 available for the same accident or illness.

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

6 Sec. 6. K.S.A. 2009 Supp. 40-2,103 and 40-19c09 are hereby  
7 repealed.

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