

**HOUSE BILL No. 2228**

By Representative Kiegerl

2-8

1 AN ACT concerning insurance; providing coverage for hearing aids;  
2 amending K.S.A. 2010 Supp. 40-2,103 and 40-19c09 and repealing  
3 the existing sections.  
4

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

6 New Section 1. (a) The provisions of K.S.A. 40-2249a, and  
7 amendments thereto, shall apply to the provisions of this section.

8 (b) On or after the effective date of this act, every insurer which  
9 issues any individual or group policy of accident and sickness insurance  
10 providing medical, surgical or hospital expense coverage and which is  
11 delivered, issued for delivery, amended or renewed on or after July 1,  
12 2011, also, shall provide coverage for the hearing aids, including  
13 necessary batteries and repairs, fitted or dispensed by a person authorized  
14 by law to fit or dispense a hearing aid.

15 (c) The coverage required by this section shall be subject to the same  
16 annual deductibles, copayments or coinsurance limits as established for  
17 all other covered benefits under the individual or group policy of accident  
18 and sickness insurance referred to in subsection (a).

19 (d) For the purposes of this section, the term "hearing aid" shall have  
20 the meaning ascribed to it in K.S.A. 74-5807, and amendments thereto.

21 (e) The provisions of this section shall apply to the state health care  
22 benefits program and municipal self-funded pools.

23 New Sec. 2. The provisions of section 1, and amendments thereto,  
24 shall not apply to any policy or certificate which provides coverage for  
25 any specified disease, specified accident or accident only coverage,  
26 credit, dental, disability income, hospital indemnity, long-term care  
27 insurance as defined by K.S.A. 40-2227, and amendments thereto, vision  
28 care or any other limited supplemental benefit nor to any medicare  
29 supplement policy of insurance as defined by the commissioner of  
30 insurance by rule and regulation, any coverage issued as a supplement to  
31 liability insurance, workers' compensation or similar insurance,  
32 automobile medical-payment insurance or any insurance under which  
33 benefits are payable with or without regard to fault, whether written on a  
34 group, blanket or individual basis.

35 Sec. 3. K.S.A. 2010 Supp. 40-2,103 is hereby amended to read as  
36 follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-

1 2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-  
2 2,170, inclusive, 40-2250, K.S.A. 2010 Supp. 40-2,105a, 40-2,105b ~~and~~,  
3 40-2,184; *and section 1*, and amendments thereto, shall apply to all  
4 insurance policies, subscriber contracts or certificates of insurance  
5 delivered, renewed or issued for delivery within or outside of this state or  
6 used within this state by or for an individual who resides or is employed  
7 in this state.

8 Sec. 4. K.S.A. 2010 Supp. 40-19c09 is hereby amended to read as  
9 follows: 40-19c09. (a) Corporations organized under the nonprofit  
10 medical and hospital service corporation act shall be subject to the  
11 provisions of the Kansas general corporation code, articles 60 to 74,  
12 inclusive, of chapter 17 of the Kansas Statutes Annotated, *and*  
13 *amendments thereto*, applicable to nonprofit corporations, to the  
14 provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-219, 40-222,  
15 40-223, 40-224, 40-225, 40-226, 40-229, 40-230, 40-231, 40-235, 40-  
16 236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252, 40-254,  
17 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-2,116,  
18 40-2,117, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through 40-  
19 2,170, inclusive, 40-2a01 et seq., 40-2111 to 40-2116, inclusive, 40-2215  
20 to 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250,  
21 40-2251, 40-2253, 40-2254, 40-2401 to 40-2421, inclusive, and 40-3301  
22 to 40-3313, inclusive, K.S.A. 2010 Supp. 40-2,105a, 40-2,105b ~~and~~, 40-  
23 2,184; *and section 1*, and amendments thereto, except as the context  
24 otherwise requires, and shall not be subject to any other provisions of the  
25 insurance code except as expressly provided in this act.

26 (b) No policy, agreement, contract or certificate issued by a  
27 corporation to which this section applies shall contain a provision which  
28 excludes, limits or otherwise restricts coverage because medicaid benefits  
29 as permitted by title XIX of the social security act of 1965 are or may be  
30 available for the same accident or illness.

31 (c) Violation of subsection (b) shall be subject to the penalties  
32 prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

33 Sec. 5. K.S.A. 2010 Supp. 40-2,103 and 40-19c09 are hereby  
34 repealed.

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