

**SENATE BILL No. 285**

By Committee on Financial Institutions and Insurance

1-22

1 AN ACT concerning payments for providing vision care services;  
2 pertaining to limitations imposed by insurance plans and discount  
3 plans.  
4

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

6 Section 1. No contract issued or renewed on or after July 1, 2014,  
7 between any insurer, health insurer or any other entity that writes vision  
8 care insurance or a vision care discount plan and a vision care provider  
9 ~~who is a participating provider with respect to such vision care insurance~~  
10 ~~or health benefit plan shall contain any provision which requires the vision~~  
11 ~~care provider who provides any vision care service to an insured on a~~  
12 ~~preferred or in-network basis under such vision care insurance plan or~~  
13 ~~health benefit plan or to a subscriber in connection with a vision care~~  
14 ~~discount plan shall contain any provision that requires the vision care~~  
15 ~~provider to:~~

16 (a) Provide services or materials to an insured under such vision care  
17 insurance or health benefit plan or to a subscriber to a vision care discount  
18 plan at a fee limited or set by such vision care insurance plan or health  
19 benefit plan or vision care discount plan unless the services or materials  
20 are reimbursed as covered services under the contract; or

21 (b) participate in a vision care insurance or a vision care discount plan  
22 as a condition to participate in any other health benefit plan or vision care  
23 plan, regardless of whether such vision care plan is a plan of insurance or a  
24 vision care discount program which is not an insurance plan.

25 Sec. 2. No vision care provider shall charge more for services and  
26 materials that are not covered services under either vision care insurance  
27 or a vision care discount plan than such vision care provider's usual and  
28 customary rate for those services and materials.

29 Sec. 3. No vision care insurance policy or vision care discount plan  
30 contract covered by this act shall change the terms, discounts or rates  
31 provided therein without the concurrence and agreement of both parties.

32 ***Sec. 4. No provision of this act shall prohibit the use of a discount***  
33 ***card by a patient or client of a vision care provider if:***

34 (a) ***Participation by the vision care provider is:***

35 (1) ***Completely voluntary; and***

36 (2) ***not conditioned upon the vision care provider's participation in***

1 *any other discount card or insurance program; and*

2 *(b) the discount card program does not make or include any*  
3 *coverage or payment to the vision care provider.*

4 Sec. ~~4~~ 5. For the purposes of this act:

5 (a) (1) "Covered service" means any service or material for which:

6 (A) Reimbursement from the vision care insurance or health benefit  
7 plan is provided for by an insured's vision care insurance plan or health  
8 benefit plan contract subject to the application of the vision care insurance  
9 or health benefit plan's deductibles, copayments or coinsurance; or

10 (B) a reimbursement would be ~~subject to~~ available subject to the  
11 application of any contractual limitations of deductibles or copayments  
12 required under the vision care discount plan coinsurance.

13 (2) "Covered services" does not include any services or materials  
14 covered or provided at a nominal or de minimus rate.

15 (b) "Contractual discount" means a percentage reduction from a  
16 vision care provider's usual and customary rate for providing covered  
17 services and materials required under a participating provider agreement.

18 *(c) "Discount card" shall have the meaning ascribed to such term*  
19 *in K.S.A. 50-1,100, and amendments thereto.*

20 ~~(e)~~ (d) "Health benefit plan" shall have the meaning ascribed to such  
21 term in K.S.A. 40-4602, and amendments thereto.

22 ~~(d)~~ (e) "Health insurer" shall have the meaning ascribed to such term  
23 in K.S.A. 40-4602, and amendments thereto.

24 ~~(e)~~ (f) "Material" includes, but is not limited to, lenses, devices  
25 containing lenses, prisms, lens treatments and coatings, contact lenses,  
26 orthoptics, vision training and any prosthetic device necessary to correct,  
27 relieve, or treat any defect or abnormal condition of the human eye or its  
28 adnexa.

29 ~~(f)~~ (g) "Participating provider agreement" includes a health benefit  
30 plan, vision care insurance or a vision care discount plan.

31 ~~(g)~~ (h) "Participating provider" shall have the meaning ascribed to  
32 such term in K.S.A. 40-4602, and amendments thereto.

33 ~~(h)~~ (i) "Vision care insurance" means an integrated health benefit plan  
34 or vision care insurance policy or contract which provides vision benefits  
35 pertaining to the provision of covered services or materials.

36 ~~(i)~~ (j) "Vision care provider" means an optometrist licensed by the  
37 board of examiners in optometry or an ophthalmologist licensed by the  
38 state board of healing arts.

39 Sec. ~~5~~ 6. Sections 1 through ~~5~~ 6, and amendments thereto, shall be  
40 known and may be cited as the vision care services act.

41 Sec. ~~6~~ 7. This act shall take effect and be in force from and after its  
42 publication in the statute book.