

**As Amended by House Committee**

---

**As Amended by Senate Committee**

---

Session of 2014

**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~~, **the**  
7 **effective date of this act** between any insurer, health insurer or any other  
8 entity that writes vision care insurance or a vision care discount plan and a  
9 vision care provider ~~who is a participating provider with respect to such~~  
10 ~~vision care insurance or health benefit plan shall contain any provision~~  
11 ~~which requires the vision care provider who provides any vision care~~  
12 ~~service to an insured on a preferred or in-network basis under such vision~~  
13 ~~care insurance plan or health benefit plan or to a subscriber in connection~~  
14 ~~with a vision care discount plan shall contain any provision that requires~~  
15 ~~the vision care provider shall contain any provisions which requires the~~  
16 **vision care provider to:**

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

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

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

30 Sec. 3. (a) No vision care insurance policy or vision care discount  
31 plan contract covered by this act shall change the terms, discounts or rates  
32 provided therein without the concurrence and agreement ~~of both parties~~ **at**  
33 **the time of such change by the vision care provider.**

34 (b) **No vision care insurance policy or vision care discount plan**

1 that provides covered services for materials shall have the effect,  
2 directly or indirectly, of limiting the choice of sources and suppliers of  
3 materials by a patient of a vision care provider.

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

6 (a) Participation Enrollment by the vision care provider is:

7 (1) *Completely voluntary; and*

8 (2) *not conditioned upon the vision care provider's participation in*  
9 *any other discount card with different provider terms and conditions*  
10 *or insurance program; and*

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

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

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

15 (A) Reimbursement from the vision care insurance or health benefit  
16 plan is provided for by an insured's vision care insurance plan or health  
17 benefit plan contract subject to the application of the vision care insurance  
18 or health benefit plan's deductibles, copayments or coinsurance; or

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

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

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

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

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

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

33 ~~(f)~~ (f) "Material" includes, but is not limited to, lenses, devices  
34 containing lenses, prisms, lens treatments and coatings, contact lenses,  
35 orthoptics, vision training and any prosthetic device necessary to correct,  
36 relieve, or treat any defect or abnormal condition of the human eye or its  
37 adnexa.

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

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

42 ~~(i)~~ (i) "Vision care insurance" means an integrated health benefit plan  
43 or vision care insurance policy or contract which provides vision benefits

1 pertaining to the provision of covered services or materials.

2     ~~(j)~~ **(j)** "Vision care provider" means an optometrist licensed by the  
3 board of examiners in optometry or an ophthalmologist licensed by the  
4 state board of healing arts.

5     **(k) "Vision care discount plan" means any entity governed by**  
6 **K.S.A. 50-1,100, and amendments thereto, which has been specifically**  
7 **authorized by the vision care providers to provide discounts to**  
8 **patients.**

9     ~~Sec.-5: 6.~~ Sections 1 through ~~5~~ **6**, and amendments thereto, shall be  
10 known and may be cited as the vision care services act.

11     ~~Sec.-6: 7.~~ This act shall take effect and be in force from and after its  
12 publication in the ~~statute book~~ **Kansas register**.