

SENATE BILL No. 206

AN ACT concerning the vision care services act; relating to powers and duties of the commissioner of insurance; powers and duties of the attorney general; amending K.S.A. 2014 Supp. 40-5905 and 40-5906 and repealing the existing sections.

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

Section 1. K.S.A. 2014 Supp. 40-5905 is hereby amended to read as follows: 40-5905. For the purposes of this act:

(a) (1) “Covered service” means any service or material for which:

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

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

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

(b) “Contractual discount” means a percentage reduction from a vision care provider’s usual and customary rate for providing covered services and materials required under a participating provider agreement.

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

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

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

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

(g) “Participating provider agreement” includes a health benefit plan, vision care insurance or a vision care discount plan.

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

(i) “Vision care insurance” means an integrated health benefit plan or vision care insurance policy or contract which provides vision benefits pertaining to the provision of covered services or materials.

(j) “Vision care provider” means an optometrist licensed by the board of examiners in optometry or an ophthalmologist licensed by the state board of healing arts.

(k) “Vision care discount plan” means any entity ~~governed by K.S.A. 50-1,100, and amendments thereto,~~ which has been specifically authorized by the vision care providers to provide discounts to patients, *but which plan is not insurance nor a discount card as defined in K.S.A. 50-1,100, and amendments thereto.*

Sec. 2. K.S.A. 2014 Supp. 40-5906 is hereby amended to read as follows: 40-5906. (a) K.S.A. 2014 Supp. 40-5901 through 40-5906, and amendments thereto, shall be known and may be cited as the vision care services act.

(b) *The commissioner of insurance shall administer the provisions of the vision care services act and may adopt such rules and regulations as necessary to carry out the provisions of the act as it applies to any insurer, health insurer, health benefit plan or vision care insurance provider. Such rules and regulations shall be adopted no later than January 1, 2016.*

(c) *The attorney general shall administer the provisions of the vision care services act as it applies to discount cards and vision care discount plans and may adopt such rules and regulations as necessary to carry out the provisions of the act. Such rules and regulations shall be adopted no later than January 1, 2016.*

Sec. 3. K.S.A. 2014 Supp. 40-5905 and 40-5906 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE concurred in
HOUSE amendments _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.