

HOUSE BILL No. 2103

By Committee on Insurance

1-19

Proposed Amendments to HB 2103
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Office of Revisor of Statutes

1 AN ACT concerning insurance; relating to coverage for amino acid-based
2 elemental formula; amending K.S.A. 2016 Supp. 40-2,103 and 40-
3 19c09 and repealing the existing sections.

the state employees health care commission;

Strike in lines 2-3

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) On and after July 1, 2017, every individual or
7 group health insurance policy, medical service plan, contract, hospital
8 service corporation contract, hospital and medical service corporation
9 contract, fraternal benefit society or health maintenance organization,
10 municipal group-funded pool and the state employee health care benefits
11 plan that provides medical, surgical or hospital expense coverage and that
12 is delivered, issued for delivery, amended or renewed on or after July 1,
13 2017, shall also provide coverage for amino acid-based elemental formula,
14 regardless of delivery method, for the diagnosis or treatment of food
15 protein-induced enterocolitis syndrome, eosinophilic disorders or short-
16 bowel syndrome, if prescribed by a prescriber, as defined by K.S.A. 65-
17 1626, and amendments thereto, authorized by the pharmacy act of the state
18 of Kansas and the applicable medical professional licensure entity in the
19 state of Kansas.

Strike lines 6-36

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

24 (c) This section shall be subject to the provisions of K.S.A. 40-2249a,
25 and amendments thereto.

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

1 ~~Sec. 2.— K.S.A. 2016 Supp. 40-2,103 is hereby amended to read as~~
 2 ~~follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-~~
 3 ~~2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170,~~
 4 ~~inclusive, 40-2250, K.S.A. 2016 Supp. 40-2,105a, 40-2,105b, 40-2,184,~~
 5 ~~40-2,190 and, 40-2,194 and section 1, and amendments thereto, shall apply~~
 6 ~~to all insurance policies, subscriber contracts or certificates of insurance~~
 7 ~~delivered, renewed or issued for delivery within or outside of this state or~~
 8 ~~used within this state by or for an individual who resides or is employed in~~
 9 ~~this state.~~

10 ~~Sec. 3.— K.S.A. 2016 Supp. 40-19c09 is hereby amended to read as~~
 11 ~~follows: 40-19c09. (a) Corporations organized under the nonprofit medical~~
 12 ~~and hospital service corporation act shall be subject to the provisions of~~
 13 ~~the Kansas general corporation code, articles 60 to 74, inclusive, of~~
 14 ~~chapter 17 of the Kansas Statutes Annotated, and amendments thereto,~~
 15 ~~applicable to nonprofit corporations, to the provisions of K.S.A. 40-214,~~
 16 ~~40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-229,~~
 17 ~~40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250,~~
 18 ~~40-251, 40-252, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-~~
 19 ~~2,105, 40-2,116, 40-2,117, 40-2,125, 40-2,153, 40-2,154, 40-2,160, 40-~~
 20 ~~2,161, 40-2,163 through 40-2,170, inclusive, 40-2a01 et seq., 40-2111 to~~
 21 ~~40-2116, inclusive, 40-2215 to 40-2220, inclusive, 40-2221a, 40-2221b,~~
 22 ~~40-2229, 40-2230, 40-2250, 40-2253, 40-2254, 40-2401 to 40-~~
 23 ~~2421, inclusive, and 40-3301 to 40-3313, inclusive, K.S.A. 2016 Supp. 40-~~
 24 ~~2,105a, 40-2,105b, 40-2,184, 40-2,190 and, 40-2,194 and section 1, and~~
 25 ~~amendments thereto, except as the context otherwise requires, and shall~~
 26 ~~not be subject to any other provisions of the insurance code except as~~
 27 ~~expressly provided in this act.~~

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

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

35 ~~Sec. 4. K.S.A. 2016 Supp. 40-2,103 and 40-19c09 are hereby~~
 36 ~~repealed.~~

37 ~~Sec. 5. This act shall take effect and be in force from and after its~~
 38 ~~publication in the statute book.~~

Strike lines 1-36 and
insert Attachment A

Kansas register

Section 1. (a) In the coverage for the next health plan coverage year commencing on January 1, 2019, the state employees health care commission shall provide for the coverage for amino acid-based elemental formula, regardless of delivery method, for the diagnosis or treatment of food protein-induced enterocolitis syndrome, eosinophilic disorders or short bowel syndrome, if prescribed by a prescriber, as defined by K.S.A. 65-1626, and amendments thereto, authorized by the pharmacy act of the state of Kansas and the applicable medical professional licensure entity in the state of Kansas.

(b) (1) Pursuant to the provisions of K.S.A. 40-2249a, and amendments thereto, on or before March 1, 2020, the state employees health care commission shall submit to the president of the senate and to the speaker of the house of representatives a report including the following information pertaining to the mandated coverage for amino acid-based elemental formula provided during the plan year commencing on January 1, 2019, and ending on December 31, 2019:

(A) The impact that the mandated coverage for amino acid-based elemental formula required by subsection (a) has had on the state health care benefits program;

(B) data on the utilization of coverage for amino acid-based elemental formula by covered individuals and the cost of providing such coverage for amino acid-based elemental formula; and

(C) a recommendation whether such mandated coverage for amino acid-based elemental formula should continue for the state health care benefits program or whether additional utilization and cost data is required.

(2) At the next legislative session following receipt of the report required in paragraph (1), the legislature may consider whether or not to require the coverage for amino acid-based elemental formula required by subsection (a) to be included in any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization that provides coverage for accident and health services and that is delivered, issued for delivery, amended or renewed in this state on or after July 1, 2021.