

KANSAS OFFICE of  
**REVISOR of STATUTES**

LEGISLATURE of THE STATE of KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

---

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

---

**MEMORANDUM**

**To:** Senate Committee on Insurance

**From:** Eileen Ma, Assistant Revisor of Statutes

**Date:** February 2, 2021

**Subject:** Bill Brief for SB 48: Requiring certain insurance coverage for diagnostic examinations for breast cancer.

---

SB 48 would create new law pertaining to insurance coverage for diagnostic examinations for breast cancer and amends K.S.A. 2020 Supp. 40-2,103 and 40-19c09.

**New Section 1** would create a new provision law and require every individual or group 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 that is delivered, issued for delivery, amended or renewed on or before January 1, 2022 and that provides benefits for diagnostic examinations for breast cancer shall ensure that cost-sharing requirements and treatment limitations that are applicable to such a diagnostic examination<sup>1</sup> are at least as favorable as the cost-sharing requirements and limitations that apply to a screening examination for breast cancer<sup>2</sup> for the insured individual.

Subsection (b) of Section 1 states that the provisions of K.S.A. 40-2248 and 40-2249a, and amendments thereto, shall not apply to the coverage mandated in subsection (a).

**Section 2** amends K.S.A. 40-2,103. Under current law, the statutes listed apply to all insurance policies, subscriber contracts or certificates of insurance delivered, renewed or issued for delivery within or outside of this state or used within this state by or for an individual who resides or is employed in this state. The bill would add the provisions of Section 1 to the list of statutes that apply to all such insurance coverage previously listed.

**Section 3** amends K.S.A. 2020 Supp. 40-19c09. Under current law in subsection (a), K.S.A. 40-19c09 lists the provisions to which corporations organizations organized under the nonprofit medical and hospital service corporation act are subject. The bill would add the provisions of Section 1 to the provisions that such corporations would be subject. Subsection (b) prohibits a corporation organized under the nonprofit medical and hospital service corporation act from placing a provision in a policy, agreement, contract or certificate that excludes, limits or otherwise restricts coverage because Medicaid benefits are or may be available for the same accident or illness. Subsection (c) provides for penalties for corporations that violate subsection (b).

---

<sup>1</sup> "Diagnostic examination for breast cancer" means a medically necessary and appropriate examination, as determined by a duly authorized healthcare professional treating the insured, for breast cancer to evaluate an abnormality in the breast that is: (A) Seen or suspected from a screening examination for breast cancer; (B) detected by another means of examination; or (C) suspected based on the medical or family medical history of the individual.

<sup>2</sup> "Screening examination for breast cancer" means an examination used to evaluate an abnormality in a breast using diagnostic mammography or magnetic resonance imaging or ultrasound of the breast.