

HOUSE BILL No. 2099

By Committee on Insurance

1-24

1 AN ACT concerning insurance; pertaining to updating of certain statutory
2 references; amending K.S.A. 39-719e, 40-1612 and 40-19a10 and
3 K.S.A. 2012 Supp. 40-19c09 and repealing the existing sections; also
4 repealing K.S.A. 40-254.
5

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

7 Section 1. K.S.A. 39-719e is hereby amended to read as follows: 39-
8 719e. (a) Upon the request of the secretary of ~~social and rehabilitation~~
9 ~~services~~ *the department for children and families*, each medical benefit
10 plan provider that provides or maintains a medical benefit plan, that
11 provides any hospital or medical services or any other health care or other
12 medical benefits or services, or both, in Kansas, shall provide the secretary
13 with information, to the extent known by the medical benefit plan
14 provider, identifying each person who is covered by such medical benefit
15 plan or who is otherwise provided any such hospital or medical services or
16 any other such health care or other medical benefits or services, or both, in
17 Kansas under such medical benefit plan. The information shall be
18 provided in such form as is prescribed by the secretary for the purpose of
19 comparing such information with medicaid beneficiary information
20 maintained by the secretary to assist in identifying other health care or
21 medical benefit coverage available to medicaid beneficiaries. The
22 secretary shall reimburse each medical benefit plan provider that provides
23 information under this section for the reasonable cost of providing such
24 information.

25 (b) All information provided by medical benefit plan providers under
26 this section shall be confidential and shall not be disclosed pursuant to the
27 provisions of the open records act or under the provisions of any other law.
28 Such information may be used solely for the purpose of determining
29 whether medical assistance has been paid or is eligible to be paid by the
30 secretary for which a recovery from a medical benefit plan provider is due
31 under K.S.A. 39-719a, and amendments thereto.

32 (c) Failure to provide information pursuant to a request by the
33 secretary of ~~social and rehabilitation services~~ *the department for children*
34 *and families* under this section shall constitute a failure to reply to an
35 inquiry of the commissioner of insurance and shall be subject to the
36 penalties applicable thereto under K.S.A.—~~40-226~~ 40-2,125, and

1 amendments thereto. If a medical plan provider fails to provide
2 information to the secretary of ~~social and rehabilitation services~~ *the*
3 *department for children and families* pursuant to a request under this
4 section, the secretary shall notify the commissioner of such failure. The
5 commissioner of insurance may pursue each such failure to provide such
6 information in accordance with K.S.A. ~~40-226~~ *40-2,125*, and amendments
7 thereto.

8 (d) As used in this section:

9 (1) "Medical benefit plan" means any accident and health insurance
10 or any other policy, contract, plan or agreement that provides benefits or
11 services, or both, for any hospital or medical services or any other health
12 care or medical benefits or services, or both, in Kansas, whether or not
13 such benefits or services, or both, are provided pursuant to individual,
14 group, blanket or certificates of accident and sickness insurance, any other
15 insurance providing any accident and health insurance, or any other policy,
16 contract, plan or agreement providing any such benefits or services, or
17 both, in Kansas, and includes any policy, plan, contract or agreement
18 offered in Kansas pursuant to the federal employee retirement income
19 security act of 1974 (ERISA) that provides any hospital or medical
20 services or any other health care or medical benefits or services, or both, in
21 Kansas; and

22 (2) "medical benefit plan provider" means any insurance company,
23 nonprofit medical and hospital service corporation, health maintenance
24 organization, fraternal benefit society, municipal group-funded pool,
25 group-funded workers compensation pool or any other entity providing or
26 maintaining a medical benefit plan.

27 (e) No medicaid provider who rendered professional services to a
28 medicaid beneficiary and was paid by the secretary for such services shall
29 be liable to the medical benefit plan provider for any amounts recovered
30 pursuant to this act or pursuant to the provisions of K.S.A. 39-719a, and
31 amendments thereto.

32 Sec. 2. K.S.A. 40-1612 is hereby amended to read as follows: 40-
33 1612. In addition to the provisions of this article, the provisions set forth in
34 the following sections of the Kansas Statutes Annotated, and amendments
35 thereto, which govern other types of insurance companies shall apply to
36 reciprocals to the extent that such provisions do not conflict with the
37 provisions of this article: Sections 40-208, 40-209, 40-214, 40-215, 40-
38 216, 40-218, 40-220, 40-221a, 40-222, 40-223, 40-224, 40-225, 40-229,
39 40-229a, 40-231, 40-233, 40-234, 40-234a, 40-235, 40-236, 40-237, 40-
40 238, 40-239, 40-240, 40-241, 40-242, 40-244, 40-245, 40-246, except as to
41 contracts written through traveling salaried representatives to whom no
42 commissions are paid, 40-246a, 40-247, 40-248, 40-249, 40-250, 40-251,
43 40-253, ~~40-254~~, 40-256, 40-281, 40-2,125, 40-2,126, 40-2,127, 40-2,128,

1 40-2,156, 40-2,156a, 40-2,157, 40-2,159, 40-952, 40-2001, 40-2002, 40-
2 2003, 40-2004, 40-2005, 40-2006 and 40-2404 and article 2a of *chapter 40*
3 of the Kansas Statutes Annotated, and amendments thereto, and any other
4 provision of law pertaining to insurance which specifically refers to
5 reciprocals.

6 Sec. 3. K.S.A. 40-19a10 is hereby amended to read as follows: 40-
7 19a10. (a) Such corporations shall be subject to the provisions of K.S.A.
8 40-214, 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225,
9 ~~40-226~~, 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248,
10 40-249, 40-250, 40-251, 40-252, ~~40-254~~, 40-2,102, 40-2a01 et seq., 40-
11 2215 to 40-2220, inclusive, 40-2253, 40-2401 to 40-2421, inclusive, 40-
12 3301 to 40-3313, inclusive, K.S.A. ~~40-2,125~~, 40-2,154 and 40-2,161, and
13 amendments thereto, except as the context otherwise requires, and shall
14 not be subject to any other provisions of the insurance code except as
15 expressly provided in this act.

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

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

23 Sec. 4. K.S.A. 2012 Supp. 40-19c09 is hereby amended to read as
24 follows: 40-19c09. (a) Corporations organized under the nonprofit medical
25 and hospital service corporation act shall be subject to the provisions of
26 the Kansas general corporation code, articles 60 to 74, inclusive, of
27 chapter 17 of the Kansas Statutes Annotated, and amendments thereto,
28 applicable to nonprofit corporations, to the provisions of K.S.A. 40-214,
29 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, ~~40-226~~,
30 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249,
31 40-250, 40-251, 40-252, ~~40-254~~, 40-2,100, 40-2,101, 40-2,102, 40-2,103,
32 40-2,104, 40-2,105, 40-2,116, 40-2,117, ~~40-2,125~~, 40-2,153, 40-2,154, 40-
33 2,160, 40-2,161, 40-2,163 through 40-2,170, inclusive, 40-2a01 et seq.,
34 40-2111 to 40-2116, inclusive, 40-2215 to 40-2220, inclusive, 40-2221a,
35 40-2221b, 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-
36 2401 to 40-2421, inclusive, and 40-3301 to 40-3313, inclusive, K.S.A.
37 2012 Supp. 40-2,105a, 40-2,105b, 40-2,184 and 40-2,190, and
38 amendments thereto, except as the context otherwise requires, and shall
39 not be subject to any other provisions of the insurance code except as
40 expressly provided in this act.

41 (b) No policy, agreement, contract or certificate issued by a
42 corporation to which this section applies shall contain a provision which
43 excludes, limits or otherwise restricts coverage because medicaid benefits

1 as permitted by title XIX of the social security act of 1965 are or may be
2 available for the same accident or illness.

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

5 Sec. 5. K.S.A. 39-719e, 40-254, 40-1612 and 40-19a10 and K.S.A.
6 2012 Supp. 40-19c09 are hereby repealed.

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