

## HOUSE BILL No. 2690

By Committee on Health and Human Services

2-14

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1 AN ACT concerning insurance; providing coverage for telemedicine  
2 mental health services; amending K.S.A. 2013 Supp. 40-2,103 and 40-  
3 19c09 and repealing the existing sections.

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

6 New Section 1. (a) (1) Any individual or group health insurance  
7 policy, medical service plan, contract, hospital service corporation  
8 contract, hospital and medical service corporation contract, fraternal  
9 benefit society or health maintenance organization which provides  
10 coverage for accident and health services and which is delivered, issued  
11 for delivery, amended or renewed on or after January 1, 2015, shall also  
12 provide coverage for telemedicine mental health services, including  
13 coverage for the originating site consistent with the Kansas program of  
14 medical assistance established in accordance with title XIX of the federal  
15 social security act.

16 (2) Such telemedicine mental health services coverage shall be  
17 provided in a manner determined in consultation with the attending  
18 physician and the patient. Such coverage may be subject to annual  
19 deductibles and coinsurance provisions as may be deemed appropriate and  
20 as are consistent with those established for other benefits under the plan or  
21 coverage.

22 (b) Each individual or group health insurance policy, medical service  
23 plan, contract, hospital service corporation contract, hospital and medical  
24 service corporation contract, fraternal benefit society or health  
25 maintenance organization which provides coverage for accident and health  
26 services which provides medical and surgical benefits shall provide written  
27 notice, as currently required, to all enrollees, insureds or subscribers  
28 regarding the coverage required by this section.

29 (c) No individual or group health insurance policy, medical service  
30 plan, contract, hospital service corporation contract, hospital and medical  
31 service corporation contract, fraternal benefit society or health  
32 maintenance organization which provides coverage for accident and health  
33 services which provides medical and surgical benefits shall:

34 (1) Deny to a patient eligibility, or continued eligibility, to enroll or to  
35 renew coverage under the terms of the plan, solely for the purpose of  
36 avoiding the requirements of this section; and

1 (2) penalize or otherwise reduce or limit the reimbursement of an  
2 attending provider, or provide incentives, monetary or otherwise, to an  
3 attending provider, to induce such provider to provide care to an individual  
4 participant or beneficiary in a manner inconsistent with this section.

5 (d) The provisions of this section shall not apply to any policy or  
6 certificate which provides coverage for any specified disease, specified  
7 accident or accident only coverage, credit, dental, disability income,  
8 hospital indemnity, long-term care insurance as defined by K.S.A. 40-  
9 2227, and amendments thereto, vision care or any other limited  
10 supplemental benefit nor to any medicare supplement policy of insurance  
11 as defined by the commissioner of insurance by rules and regulations, any  
12 coverage issued as a supplement to liability insurance, workers  
13 compensation or similar insurance, automobile medical-payment insurance  
14 or any insurance under which benefits are payable with or without regard  
15 to fault, whether written on a group, blanket or individual basis.

16 (e) The provisions of K.S.A. 40-2249a, and amendments thereto,  
17 shall not apply to the provisions of this section.

18 Sec. 2. K.S.A. 2013 Supp. 40-2,103 is hereby amended to read as  
19 follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-  
20 2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170,  
21 inclusive, 40-2250, K.S.A. 2013 Supp. 40-2,105a, 40-2,105b , 40-2,184  
22 ~~and~~, 40-2,190, *and section 1*, and amendments thereto, shall apply to all  
23 insurance policies, subscriber contracts or certificates of insurance  
24 delivered, renewed or issued for delivery within or outside of this state or  
25 used within this state by or for an individual who resides or is employed in  
26 this state.

27 Sec. 3. K.S.A. 2013 Supp. 40-19c09 is hereby amended to read as  
28 follows: 40-19c09.(a) Corporations organized under the nonprofit medical  
29 and hospital service corporation act shall be subject to the provisions of  
30 the Kansas general corporation code, articles 60 to 74, inclusive, of  
31 chapter 17 of the Kansas Statutes Annotated, and amendments thereto,  
32 applicable to nonprofit corporations, to the provisions of K.S.A. 40-214,  
33 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-229,  
34 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250,  
35 40-251, 40-252, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-  
36 2,105, 40-2,116, 40-2,117, 40-2,125, 40-2,153, 40-2,154, 40-2,160, 40-  
37 2,161, 40-2,163 through 40-2,170, inclusive, 40-2a01 et seq., 40-2111 to  
38 40-2116, inclusive, 40-2215 to 40-2220, inclusive, 40-2221a, 40-2221b,  
39 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-  
40 2421, inclusive, and 40-3301 to 40-3313, inclusive, K.S.A. 2013 Supp. 40-  
41 2,105a, 40-2,105b, 40-2,184 ~~and~~—, 40-2,190, *and section 1*, and  
42 amendments thereto, except as the context otherwise requires, and shall  
43 not be subject to any other provisions of the insurance code except as

1 expressly provided in this act.

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

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

9 Sec. 4. K.S.A. 2013 Supp. 40-2,103 and 40-19c09 are hereby  
10 repealed.

11 Sec. 5. This act shall take effect and be in force from and after its  
12 publication in the statute book.