AN ACT concerning insurance; relating to health insurance plans; providing requirements for coverage of diagnostic examinations for breast cancer; amending K.S.A. 2019 Supp. 40-2,103 and 40-19c09 and repealing the existing sections.

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

New Section 1. (a) Every 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 that is delivered, issued for delivery, amended or renewed on or after January 1, 2021, and that provides benefits for diagnostic examinations for breast cancer shall ensure that the cost-sharing requirements and treatment limitations that are applicable to a diagnostic examination for breast cancer are not less favorable for an insured than such requirements and limitations that apply to a screening examination for breast cancer for such insured.

(b) The provisions of K.S.A. 40-2248 and 40-2249a, and amendments thereto, shall not apply to this section.

(c) As used in this section:

(1) "Cost-sharing requirements" means any deductible, coinsurance, copayment or any maximum limitation on the application of a deductible, coinsurance, copayment or similar out-of-pocket expense.

(2) "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.

(3) "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.

Sec. 2. K.S.A. 2019 Supp. 40-2,103 is hereby amended to read as
follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-
2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170;
and 40-2250, and amendments thereto, and K.S.A. 2019 Supp. 40-2,105a,
40-2,105b, 40-2,184, 40-2,190, 40-2,194 and 40-2,210 through 40-2,216
and section 1, and amendments thereto, shall 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.

Sec. 3. K.S.A. 2019 Supp. 40-19c09 is hereby amended to read as
follows: 40-19c09. (a) Corporations organized under the nonprofit medical
and hospital service corporation act shall be subject to the provisions of
the Kansas general corporation code, articles 60 through 74 of chapter 17
of the Kansas Statutes Annotated, and amendments thereto, applicable to
nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-
216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-229, 40-230, 40-
231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-
252, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-
2,116, 40-2,117, 40-2,125, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-
2,163 through 40-2,170, 40-2a01 et seq., 40-2111 through 40-2116, 40-
2215 through 40-2220, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250,
40-2251, 40-2253, 40-2254, 40-2401 through 40-2421, and 40-3301
through 40-3313, and amendments thereto, and K.S.A. 2019 Supp. 40-
2,105a, 40-2,105b, 40-2,184, 40-2,190, 40-2,194 and 40-2,210 through
40-2,216 and section 1, and amendments thereto, except as the context
otherwise requires, and shall not be subject to any other provisions of the
insurance code except as expressly provided in this act.

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

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

Sec. 4. K.S.A. 2019 Supp. 40-2,103 and 40-19c09 are hereby
repealed.

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