

STATE OF KANSAS

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HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **HB 2825**, on page 3, following line 12, by inserting:

"New Sec. 5. (a) Sections 5 through 8, and amendments thereto, shall be known and may be cited as the consumer protection related to health insurer price transparency act.

(b) As used in the consumer protection related to health insurer price transparency act, "health insurer" means the same as defined in K.S.A. 40-4602, and amendments thereto.

New Sec. 6. (a) Pursuant to 45 C.F.R. 147.211 and 147.212, each health insurer operating in the United States is required to provide clear, accessible pricing and payment information online about items and services that each such health insurer covers. Each health insurer that is authorized to do business in Kansas, pursuant to K.S.A. 40-214, and amendments thereto, shall provide:

(1) A list of all of the health insurer's covered items and services with corresponding price-sharing information and a plain language description of each item in consumer-friendly format on a public-facing website;

(2) upon request of an insured, an estimate of the insured's cost-sharing liability for a requested covered item or service, which shall reflect any cost-sharing reductions the insured would receive; and

(3) written information about the patient's ability to request an estimate of the payment amount pursuant to this section.

(b) The written information required pursuant to section (a) shall be included on any website maintained by the health insurer.

New Sec. 7. (a) The attorney general shall have the authority to enforce the provisions of this act.

(b) If the attorney general finds that a hospital is noncompliant with 45 C.F.R. 147.211 or 147.212, as in effect on July 1, 2024, then such health insurer shall be fined \$250 per day for each affected insured until such health insurer is compliant.

(c) Noncompliance with the provisions of this act shall constitute an unlawful or deceptive trade practice as provided in K.S.A. 50-626, and amendments thereto.

New Sec. 8. (a) Any health insurer not in material compliance with this act on the date that items or services are purchased or provided to a patient shall be responsible for the full cost of the items or services, including co-payment, deductible and coinsurance amounts.

(b) (1) If an insured believes that a health insurer was not in material compliance with this act on the date that items or services were purchased by or provided to the insured and the insured was required to pay co-pays, deductible or coinsurance amounts, then such insured may file a civil action against the health insurer to determine if:

(A) The health insurer was materially out of compliance with this act or rules and regulations promulgated thereunder on the date that the items or services were purchased or provided; and

(B) such noncompliance with this act is related to the items or services purchased by or provided to the insured.

(2) If the trier of fact finds that the health insurer was materially out of compliance with this act or rules and regulations promulgated thereunder, after considering standards issued by the federal centers for medicare and medicaid services and standards set by this act, the court shall order the health insurer to:

(A) Refund the insured any amount that the payor has paid for co-pays, deductibles or

coinsurance and pay a penalty to the insured in an amount equal to the amount of the debt; and

(B) pay any attorney fees and costs incurred by the insured relating to such action.";

And by renumbering sections accordingly;

On page 5, in line 43, by striking "and";

On page 6, in line 2, after "act" by inserting "; and

(16) noncompliance with the provisions of the consumer protection related to health insurer price transparency act";

On page 1, in the title, in line 1, after "hospitals" by inserting "and health insurers"; in line 2, after "hospitals" by inserting "and health insurers"; in line 4, after the first "act" by inserting "and the consumer protection related to health insurer price transparency act"; also in line 4, by striking "such" and inserting "either"; in line 6, after "hospitals" by inserting "and health insurers"; also in line 6, by striking "act" and inserting "acts"

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