

HOUSE BILL No. 2824

By Committee on Federal and State Affairs

Requested by Representative Eplee

3-11

1 AN ACT concerning insurance; relating to health insurance plans;
2 mandating coverage of pediatric acute-onset neuropsychiatric
3 syndrome (PANS) and pediatric autoimmune neuropsychiatric
4 disorders associated with streptococcal infections (PANDAS);
5 amending K.S.A. 40-2,103 and 40-19c09 and K.S.A. 2023 Supp. 75-
6 6525 and repealing the existing sections.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. (a) Every individual or group health insurance policy,
10 medical service plan, contract, hospital service corporation contract,
11 hospital and medical service corporation contract, fraternal benefit society
12 or health maintenance organization that provides coverage for accident and
13 health services that is delivered, issued for delivery, amended or renewed
14 on or after January 1, 2025, shall provide for the coverage for the
15 diagnosis and prescribed treatment of PANS and PANDAS.

16 (b) The coverage of PANS and PANDAS in the state health care
17 benefits program during the health plan coverage year commencing on
18 January 1, 2023, and ending December 31, 2023, and the report on such
19 coverage from the Kansas state employees health care commission
20 pursuant to K.S.A. 2023 Supp. 75-6525, and amendments thereto, shall be
21 deemed to satisfy the requirements of K.S.A. 40-2248, 40-2249 and 40-
22 2249a, and amendments thereto, for the coverage of PANS and PANDAS
23 required by subsection (a).

24 (c) As used in this section:

25 (1) "PANS" means pediatric acute-onset neuropsychiatric syndrome;
26 and

27 (2) "PANDAS" means pediatric autoimmune neuropsychiatric
28 disorders associated with streptococcal infections.

29 Sec. 2. K.S.A. 40-2,103 is hereby amended to read as follows: 40-
30 2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-2,102, 40-
31 2,104, 40-2,105, ~~40-2,105a, 40-2,105b,~~ 40-2,114, 40-2,160, 40-2,165
32 through 40-2,170, ~~40-2,184, 40-2,190, 40-2,194, 40-2,210 through 40-~~
33 ~~2,216, 40-2250, K.S.A. 40-2,105a, 40-2,105b, 40-2,184, 40-2,190, 40-~~
34 ~~2,194 and 40-2,210 through 40-2,216,~~ and amendments thereto, *and*
35 *section 1, and amendments thereto,* shall apply to all insurance policies,

1 subscriber contracts or certificates of insurance delivered, renewed or
2 issued for delivery within or outside of this state or used within this state
3 by or for an individual who resides or is employed in this state.

4 Sec. 3. K.S.A. 40-19c09 is hereby amended to read as follows: 40-
5 19c09. (a) Corporations organized under the nonprofit medical and
6 hospital service corporation act shall be subject to the provisions of the
7 Kansas general corporation code, articles 60 through 74 of chapter 17 of
8 the Kansas Statutes Annotated, and amendments thereto, applicable to
9 nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-
10 216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-229, 40-230, 40-
11 231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-
12 252, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, ~~40-
13 2,105a, 40-2,105b,~~ 40-2,116, 40-2,117, 40-2,125, 40-2,153, 40-2,154, 40-
14 2,160, 40-2,161, 40-2,163 through 40-2,170, ~~40-2,184, 40-2,190, 40-
15 2,194, 40-2,210 through 40-2,216,~~ 40-2a01 et seq., 40-2111 through 40-
16 2116, 40-2215 through 40-2220, 40-2221a, 40-2221b, 40-2229, 40-2230,
17 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 through 40-2421, and 40-
18 3301 through 40-3313 ~~and K.S.A. 40-2,105a, 40-2,105b, 40-2,184, 40-
19 2,190, 40-2,194 and 40-2,210 through 40-2,216,~~ and amendments thereto,
20 *and section 1, and amendments thereto*, except as the context otherwise
21 requires, and shall not be subject to any other provisions of the insurance
22 code except as expressly provided in this act.

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

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

30 Sec. 4. K.S.A. 2023 Supp. 75-6525 is hereby amended to read as
31 follows: 75-6525. (a) As used in this section:

32 (1) "PANS" means pediatric acute-onset neuropsychiatric syndrome;
33 and

34 (2) "PANDAS" means pediatric autoimmune neuropsychiatric
35 disorders associated with streptococcal infections.

36 (b) In the coverage for the next health plan coverage year
37 commencing on January 1, 2023, the *Kansas* state employees health care
38 commission shall provide for the coverage for the diagnosis and prescribed
39 treatment of PANS and PANDAS.

40 (c) (1) Pursuant to the provisions of K.S.A. 40-2249a, and
41 amendments thereto, on or before March 1, 2024, the *Kansas* state
42 employees health care commission shall submit to the president of the
43 senate and to the speaker of the house of representatives a report including

1 the following information pertaining to the mandated coverage for PANS
2 and PANDAS provided during the plan year commencing on January 1,
3 2023, and ending on December 31, 2023:

4 (A) The impact that the mandated coverage for PANS and PANDAS
5 required by subsection (b) has had on the state health care benefits
6 program;

7 (B) data on the utilization of coverage for PANS and PANDAS by
8 covered individuals and the cost of providing such coverage for PANS and
9 PANDAS; and

10 (C) a recommendation whether such mandated coverage for PANS
11 and PANDAS should continue for the state health care benefits program or
12 whether additional utilization and cost data is required.

13 (2) ~~At the next legislative session~~ Following receipt of the report
14 required in paragraph (1), the legislature may consider whether or not to
15 require the coverage for PANS and PANDAS required by subsection (b) to
16 be included in any individual or group health insurance policy, medical
17 service plan, contract, hospital service corporation contract, hospital and
18 medical service corporation contract, fraternal benefit society or health
19 maintenance organization that provides coverage for accident and health
20 services and that is delivered, issued for delivery, amended or renewed in
21 this state on or after ~~July~~ January 1, 2025.

22 Sec. 5. K.S.A. 40-2,103 and 40-19c09 and K.S.A. 2023 Supp. 75-
23 6525 are hereby repealed.

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