AN ACT concerning payments for providing vision care services; pertaining to limitations imposed by insurance plans and discount plans.

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

Section 1. No contract issued or renewed on or after July 1, 2014, between any insurer, health insurer or any other entity that writes vision care insurance or a vision care discount plan and a vision care provider who is a participating provider with respect to such vision care insurance or health benefit plan shall contain any provision which requires the vision care provider who provides any vision care service to an insured on a preferred or in-network basis under such vision care insurance plan or health benefit plan or to a subscriber in connection with a vision care discount plan shall contain any provision that requires the vision care provider to:

(a) Provide services or materials to an insured under such vision care insurance or health benefit plan or to a subscriber to a vision care discount plan at a fee limited or set by such vision care insurance plan or health benefit plan or vision care discount plan unless the services or materials are reimbursed as covered services under the contract; or

(b) Participate in a vision care insurance or a vision care discount plan as a condition to participate in any other health benefit plan or vision care plan, regardless of whether such vision care plan is a plan of insurance or a vision care discount program which is not an insurance plan.

Sec. 2. No vision care provider shall charge more for services and materials that are not covered services under either vision care insurance or a vision care discount plan than such vision care provider's usual and customary rate for those services and materials.

Sec. 3. No vision care insurance policy or vision care discount plan contract covered by this act shall change the terms, discounts or rates provided therein without the concurrence and agreement of both parties.

Sec. 4. For the purposes of this act:

(a) "Covered service" means any service or material for which:

(A) Reimbursement from the vision care insurance or health benefit plan is provided for by an insured's vision care insurance plan or health benefit plan contract subject to the application of the vision care insurance plan and the vision care provider is reimbursed at a rate established by the vision care insurance or health benefit plan.

(B) The service or material is provided under a vision care discount plan which is not an insurance plan and the provider is reimbursed at a rate that is established by the vision care discount plan provider.

Section 285. 1-22
or health benefit plan's deductibles, copayments or coinsurance; or
   (B) a reimbursement would be subject to available subject to the
application of any contractual limitations of deductibles or copayments
required under the vision care discount plan coinsurance.
   (2) "Covered services" does not include any services or materials
covered or provided at a nominal or de minimus rate.
   (b) "Contractual discount" means a percentage reduction from a
vision care provider's usual and customary rate for providing covered
services and materials required under a participating provider agreement.
   (c) "Health benefit plan" shall have the meaning ascribed to such
term in K.S.A. 40-4602, and amendments thereto.
   (d) "Health insurer" shall have the meaning ascribed to such term in
K.S.A. 40-4602, and amendments thereto.
   (e) "Material" includes, but is not limited to, lenses, devices
containing lenses, prisms, lens treatments and coatings, contact lenses,
orthoptics, vision training and any prosthetic device necessary to correct,
relieve, or treat any defect or abnormal condition of the human eye or its
adnexa.
   (f) "Participating provider agreement" includes a health benefit plan,
vision care insurance or a vision care discount plan.
   (g) "Participating provider" shall have the meaning ascribed to such
term in K.S.A. 40-4602, and amendments thereto.
   (h) "Vision care insurance" means an integrated health benefit plan or
vision care insurance policy or contract which provides vision benefits
pertaining to the provision of covered services or materials.
   (i) "Vision care provider" means an optometrist licensed by the board
of examiners in optometry or an ophthalmologist licensed by the state
board of healing arts.
Sec. 5. Sections 1 through 5, and amendments thereto, shall be known
and may be cited as the vision care services act.
Sec. 6. This act shall take effect and be in force from and after its
publication in the statute book.