HOUSE BILL No. 2176

By Committee on Health and Human Services

AN ACT concerning health insurance policies providing prescription drug coverage; relating to fills and refills; amending K.S.A. 2014 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) An individual or group health insurance policy providing prescription drug coverage in the state must permit and apply a prorated daily cost-sharing rate to prescriptions that are dispensed by a network pharmacy for less than a 30 days' supply if the prescriber or pharmacist determines the fill or refill to be in the best interest of the patient and the patient requests or agrees to less than a 30 days' supply for the purpose of synchronizing the patient's medications.

(b) No individual or group health insurance policy providing prescription drug coverage shall deny coverage for the dispensing of a chronic medication that is made in accordance with a plan among the health plan, individual beneficiary or group plan, a practitioner and a pharmacist for the purpose of synchronizing the filling or refilling of multiple prescriptions for the insured. The individual or group health plan must allow a pharmacy to override any denial codes indicating that a prescription is being refilled too soon for the purposes of medication synchronization.

(c) No individual or group health insurance policy providing prescription drug coverage shall use payment structures incorporating prorated dispensing fees. Dispensing fees for partially filled or refilled prescriptions shall be paid in full for each prescription dispensed, regardless of any prorated copay for the beneficiary or fee paid for alignment services.

(d) Any provision in an accident and health insurance policy, contract, plan or agreement offered in this state which violates the provisions of this section is void.

(e) Nothing in this section shall apply to any policy, plan, contract or agreement operating pursuant to the federal employee retirement income security act of 1974 (ERISA).

(f) The department of insurance shall enforce the provisions of this section with regard to any policy, contract, plan or agreement issued under authority of chapter 40 of the Kansas Statutes Annotated, and amendments
(g) The provisions of K.S.A. 40-2249a, and amendments thereto, shall not apply to the provisions of this section.

Sec. 2. K.S.A. 2014 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, inclusive, 40-2,2250, K.S.A. 2014 Supp. 40-2,105a, 40-2,105b, 40-2,184, 40-2,190 and, 40-2,194 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.


(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. 2014 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.