

**SENATE BILL No. 161**

By Committee on Public Health and Welfare

2-2

1 AN ACT concerning insurance; relating to accident and health insurance;  
2 imposing coverage requirements for coverage of diagnostic and  
3 supplemental breast examinations; amending K.S.A. 40-2,103 and 40-  
4 19c09 and repealing the existing sections.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) Every individual or group health insurance policy,  
8 medical service plan, contract, hospital service corporation contract,  
9 hospital and medical service corporation contract, fraternal benefit society  
10 or health maintenance organization that provides coverage for accident and  
11 health services, that is delivered, issued for delivery, amended or renewed  
12 on or after January 1, 2024, and that provides benefits with respect to  
13 diagnostic breast examinations and supplemental breast examinations shall  
14 impose no cost-sharing requirements for such diagnostic or supplemental  
15 breast examinations when furnished to an individual enrolled in such plan  
16 or coverage.

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

19 (c) As used in this section:

20 (1) "Breast magnetic resonance imaging" means a diagnostic tool that  
21 uses a powerful magnetic field, radio waves and a computer to produce  
22 detailed pictures of the structures in the breast.

23 (2) "Breast ultrasound" means a non-invasive tool that uses high-  
24 frequency sound.

25 (3) "Cost-sharing requirements" means a deductible, coinsurance,  
26 copayment and any maximum limitation on the application of such a  
27 deductible, coinsurance, copayment or similar out-of-pocket expense.

28 (4) "Diagnostic breast examination" means a medically necessary and  
29 appropriate examination of the breast, including such an examination  
30 using diagnostic mammography, breast magnetic resonance imaging or  
31 breast ultrasound that is used to evaluate an abnormality:

32 (A) Seen or suspected from a screening examination for breast  
33 cancer; or

34 (B) detected by another means of examination.

35 (3) "Diagnostic mammography" means a diagnostic tool that uses x-  
36 ray and that is designed to evaluate an abnormality in the breast.

1 (4) "Supplemental breast examination" means a medically necessary  
2 and appropriate examination of the breast using breast magnetic resonance  
3 imaging or breast ultrasound that is:

4 (A) Used to screen for breast cancer when there is no abnormality  
5 seen or suspected; or

6 (B) based on personal or family medical history or additional factors  
7 that may increase the individual's risk of breast cancer.

8 Sec. 2. K.S.A. 40-2,103 is hereby amended to read as follows: 40-  
9 2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-2,102, 40-  
10 2,104, 40-2,105, ~~40-2,105a, 40-2,105b,~~ 40-2,114, 40-2,160, 40-2,165  
11 through 40-2,170, ~~40-2250, K.S.A. 40-2,105a, 40-2,105b,~~ 40-2,184, 40-  
12 2,190, 40-2,194 ~~and~~, 40-2,210 through 40-2,216 *and 40-2250*, and  
13 amendments thereto, *and section 1, and amendments thereto*, shall apply  
14 to all insurance policies, subscriber contracts or certificates of insurance  
15 delivered, renewed or issued for delivery within or outside of this state or  
16 used within this state by or for an individual who resides or is employed in  
17 this state.

18 Sec. 3. K.S.A. 40-19c09 is hereby amended to read as follows: 40-  
19 19c09. (a) Corporations organized under the nonprofit medical and  
20 hospital service corporation act shall be subject to the provisions of the  
21 Kansas general corporation code, articles 60 through 74 of chapter 17 of  
22 the Kansas Statutes Annotated, and amendments thereto, applicable to  
23 nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-  
24 216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-229, 40-230, 40-  
25 231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-  
26 252, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, ~~40-  
27 2,105a, 40-2,105b,~~ 40-2,116, 40-2,117, 40-2,125, 40-2,153, 40-2,154, 40-  
28 2,160, 40-2,161, 40-2,163 through 40-2,170, ~~40-2,184, 40-2,190, 40-  
29 2,194, 40-2,210 through 40-2,216,~~ 40-2a01 et seq., 40-2111 through 40-  
30 2116, 40-2215 through 40-2220, 40-2221a, 40-2221b, 40-2229, 40-2230,  
31 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 through 40-2421; and 40-  
32 3301 through 40-3313 ~~and K.S.A. 40-2,105a, 40-2,105b, 40-2,184, 40-  
33 2,190, 40-2,194 and 40-2,210 through 40-2,216,~~ and amendments thereto,  
34 *and section 1, and amendments thereto*, except as the context otherwise  
35 requires, and shall not be subject to any other provisions of the insurance  
36 code except as expressly provided in this act.

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

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

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

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