

(Corrected)

As Amended by House Committee

Session of 2014

HOUSE BILL No. 2744

By Committee on Taxation

3-5

1 AN ACT concerning insurance; providing coverage for autism spectrum
2 disorder; requiring licensure of persons providing applied behavior
3 analysis; amending K.S.A. 2013 Supp. 40-2,103 and 40-19c09 and
4 repealing the existing sections.

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

7 New Section 1. (a) (1) (A) Any large 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 which provides coverage for accident
11 and health services and which is delivered, issued for delivery, amended or
12 renewed on or after January 1, 2015, shall provide coverage for the
13 diagnosis and treatment of autism spectrum disorder in any covered
14 individual whose age is less than ~~18~~ **12** years.

15 (B) Any grandfathered individual or group health insurance policy,
16 medical service plan, contract, hospital service corporation contract,
17 hospital and medical service corporation contract, fraternal benefit society
18 or health maintenance organization which provides coverage for accident
19 and health services and which is delivered, issued for delivery, amended or
20 renewed on or after January 1, 2016, shall provide coverage for the
21 diagnosis and treatment of autism spectrum disorder in any covered
22 individual whose age is less ~~that 18~~ **than 12** years.

23 (2) Such coverage shall be provided in a manner determined in
24 consultation with the autism services provider and the patient. Services
25 provided by autism services providers under this section shall include
26 applied behavior analysis when required by a licensed physician, licensed
27 psychologist or licensed specialist clinical social worker but otherwise
28 shall be limited to the care, services and related equipment prescribed or
29 ordered by a licensed physician, licensed psychologist or licensed
30 specialist clinical social worker.

31 (3) Coverage provided under this section for applied behavior
32 analysis shall be subject to a limitation **1,300 hours per calendar year**
33 **beginning at diagnosis and no later than age five for any covered**
34 **individual for the first four years following such covered individual's**

1 **diagnosis of autism spectrum disorder and then a limitation** of 520
2 hours per calendar year for ~~any such~~ covered individual less than ~~18~~ **12**
3 years of age. Upon prior approval by the health benefit plan, such
4 maximum benefit limit may be exceeded if the provision of applied
5 behavior analysis services beyond the maximum limit is medically
6 necessary for such individual. Any payment made by an insurer on behalf
7 of a covered individual for any care, treatment, intervention, service or
8 item, the provision of which was for the treatment of a health condition
9 unrelated to such covered individual's autism spectrum disorder, shall not
10 be applied toward any maximum benefit established under this paragraph.
11 Except for the coverage for applied behavior analysis, no coverage
12 required under this section shall be subject to the age and hour limitations
13 described in this paragraph.

14 (4) On or after January 1, 2015, through ~~December 31, 2015~~ **June 30,**
15 **2016**, reimbursement shall be allowed only for services provided by a
16 provider licensed, trained and qualified to provide such services or by an
17 autism specialist or an intensive individual service provider as such terms
18 are defined by the Kansas department for aging and disability services
19 Kansas autism waiver. On or after ~~January~~ **July** 1, 2016, reimbursement
20 shall be allowed only for services provided by an autism service provider
21 licensed under the applied behavior analysis licensure act, **except that**
22 **reimbursement shall be allowed for services provided by an autism**
23 **specialist, an intensive individual service provider or any other**
24 **individual qualified to provide services under the home and**
25 **community based services autism waiver administered by the Kansas**
26 **department for aging and disability services.**

27 (5) Any insurer or other entity which administers claims for services
28 provided for the treatment of autism spectrum disorder under this section
29 shall have the right and obligation to deny any claim for services based
30 upon medical necessity or a determination that the covered individual has
31 reached the maximum medical improvement for the covered individual's
32 autism spectrum disorder.

33 (6) Except for inpatient services, if an insured is receiving treatment
34 for autism spectrum disorder, such insurer shall have the right to review
35 the treatment plan not more than once in a period of six consecutive
36 months, unless the insurer and the insured's treating physician or
37 psychologist agree that a more frequent review is necessary. Any such
38 agreement regarding the right to review a treatment plan more frequently
39 shall apply only to a particular insured being treated for autism spectrum
40 disorder and shall not apply to all individuals being treated for autism
41 spectrum disorder by a physician or psychologist. The cost of obtaining
42 any review or treatment plan shall be borne by the insurer.

43 (7) No insurer can terminate coverage, or refuse to deliver, execute,

1 issue, amend, adjust or renew coverage to an individual solely because the
2 individual is diagnosed with or has received treatment for autism spectrum
3 disorder.

4 (b) For the purposes of this section:

5 (1) "Applied behavior analysis" means the design, implementation
6 and evaluation of environmental modifications, using behavioral stimuli
7 and consequences, to produce socially significant improvement in human
8 behavior, including the use of direct observation, measurement and
9 functional analysis of the relationship between environment and behavior.

10 (2) "Autism spectrum disorder" means a neurobiological disorder, an
11 illness of the nervous system, which includes:

12 (A) "Autistic disorder," which is:

13 (i) Six or more items from (a), (b) and (c) of this subparagraph, with
14 at least two items from (a) of this subparagraph, and one item each from
15 (b) and (c) of this subparagraph:

16 (a) Qualitative impairment in social interaction, as manifested by at
17 least two of the following:

18 (1) Marked impairment in the use of multiple nonverbal behaviors
19 such as eye-to-eye gaze, facial expression, body postures and gestures to
20 regulate social interaction;

21 (2) failure to develop peer relationships appropriate to developmental
22 level;

23 (3) a lack of spontaneous seeking to share enjoyment, interests or
24 achievements with other people; or

25 (4) lack of social or emotional reciprocity;

26 (b) qualitative impairments in communication as manifested by at
27 least one of the following:

28 (1) Delay in, or total lack of, the development of spoken language;

29 (2) in individuals with adequate speech, marked impairment in the
30 ability to initiate or sustain a conversation with others;

31 (3) stereotyped and repetitive use of language or idiosyncratic
32 language; or

33 (4) lack of varied, spontaneous make-believe play or social imitative
34 play appropriate to developmental level;

35 (c) restricted repetitive and stereotyped patterns of behavior, interests
36 and activities, as manifested by at least one of the following:

37 (1) Encompassing preoccupation with one or more stereotyped and
38 restricted patterns of interest that is abnormal either in intensity or focus;

39 (2) apparently inflexible adherence to specific, nonfunctional routines
40 or rituals;

41 (3) stereotyped and repetitive motor mannerisms; or

42 (4) persistent preoccupation with parts of objects;

43 (ii) delays or abnormal functioning in at least one of the following

- 1 areas, with onset prior to age three years, including social interaction,
2 language as used in social communication or symbolic or imaginative
3 play; and
- 4 (iii) the disturbance is not better accounted for by Rett's disorder or
5 childhood disintegrative disorder;
- 6 (B) "Asperger's disorder," which is:
- 7 (i) a qualitative impairment in social interaction, as manifested by at
8 least two of the following:
- 9 (a) Marked impairment in the use of multiple nonverbal behaviors
10 such as eye-to-eye gaze, facial expression, body postures and gestures to
11 regulate social interaction;
- 12 (b) failure to develop peer relationships appropriate to developmental
13 level;
- 14 (c) lack of spontaneous seeking to share enjoyment, interests or
15 achievements with other people; or
- 16 (d) lack of social or emotional reciprocity;
- 17 (ii) restricted repetitive and stereotyped patterns of behavior, interests
18 and activities, as manifested by at least one of the following:
- 19 (a) Encompassing preoccupation with one or more stereotyped and
20 restricted patterns of interest that is abnormal either in intensity or focus;
- 21 (b) apparently inflexible adherence to specific, nonfunctional routines
22 or rituals;
- 23 (c) stereotyped and repetitive motor mannerisms; or
- 24 (d) persistent preoccupation with parts of objects;
- 25 (iii) the disturbance causes clinically significant impairment in social,
26 occupational or other important areas of functioning;
- 27 (iv) there is no clinically significant general delay in language;
- 28 (v) there is no clinically significant delay in cognitive development or
29 in the development of age-appropriate self-help skills, adaptive behavior
30 (other than in social interaction), and curiosity about the environment in
31 childhood; and
- 32 (vi) criteria are not met for another specific pervasive developmental
33 disorder or schizophrenia;
- 34 (C) "pervasive developmental disorder not otherwise specified," is a
35 severe and pervasive impairment in the development of reciprocal social
36 interaction associated with impairment in either verbal or nonverbal
37 communication skills or with the presence of stereotyped behavior,
38 interests and activities, but the criteria are not met for a specific pervasive
39 developmental disorder, schizophrenia, schizotypal personality disorder, or
40 avoidant personality disorder;
- 41 (D) "Rett's disorder," includes:
- 42 (i) All of the following:
- 43 (a) Apparently normal prenatal and perinatal development;

- 1 (b) apparently normal psychomotor development through the first
2 five months after birth; and
- 3 (c) normal head circumference at birth;
- 4 (ii) onset of all of the following after the period of normal
5 development:
- 6 (a) Deceleration of head growth between ages five and 48 months;
- 7 (b) loss of previously acquired purposeful hand skills between ages
8 five and 30 months with the subsequent development of stereotyped hand
9 movements;
- 10 (c) loss of social engagement early in the course of development;
- 11 (d) appearance of poorly coordinated gait or trunk movements; and
- 12 (e) severely impaired expressive and receptive language development
13 with severe psychomotor retardation;
- 14 (E) "childhood disintegrative disorder," is:
- 15 (i) Apparently normal development for at least the first two years
16 after birth as manifested by the presence of age-appropriate verbal and
17 nonverbal communication, social relationships, play and adaptive
18 behavior;
- 19 (ii) clinically significant loss of previously acquired skills in at least
20 two of the following areas: Expressive or receptive language, social skills
21 or adaptive behavior, bowel or bladder control or play and motor skills;
- 22 (iii) abnormalities of functioning in at least two of the following
23 areas: Qualitative impairment in social interaction; qualitative impairments
24 in communication; restricted, repetitive and stereotyped patterns of
25 behavior, interests and activities, including motor stereotypies and
26 mannerisms; and
- 27 (iv) the disturbance is not better accounted for by another specific
28 pervasive developmental disorder or by schizophrenia.
- 29 (3) "Diagnosis of autism spectrum disorder" means any medically
30 necessary assessment, evaluation or test performed by a licensed
31 physician, licensed psychologist or licensed specialist clinical social
32 worker to determine whether an individual has autism spectrum disorder.
- 33 (4) "Grandfathered health benefit plan" shall have the meaning
34 ascribed to such term in 42 U.S.C. § 18011. The term "grandfathered
35 health benefit plan" includes both small employer group health benefit
36 plans that are grandfathered and individual health benefit plans that are
37 grandfathered.
- 38 (5) "Health benefit plan" shall have the meaning ascribed to such
39 term in K.S.A. 40-4602, and amendments thereto.
- 40 (6) "Large employer" means, in connection with a group health
41 benefit plan with respect to a calendar year and a plan year, an employer
42 who employed an average of at least 51 employees on business days
43 during the preceding calendar year and who employs at least one employee

1 on the first day of the plan year.

2 (7) "Small employer" means, in connection with a group health
3 benefit plan with respect to a calendar year and a plan year, an employer
4 who employed an average of at least one but not more than 50 employees
5 on business days during the preceding calendar year and who employs at
6 least one employee on the first day of the plan year.

7 (c) If an individual has been diagnosed as having autism spectrum
8 disorder meeting the diagnostic criteria described in the edition of the
9 diagnostic and statistical manual of mental disorders available at the time
10 of diagnosis, then that individual shall not be required to undergo any
11 additional or repeated evaluation based upon the adoption of a subsequent
12 edition of the diagnostic and statistical manual of mental disorders adopted
13 by rules and regulations of the behavioral sciences regulatory board in
14 order to remain eligible for coverage under this section.

15 (d) Except as otherwise provided in subsection (a), no individual or
16 group health insurance policy, medical service plan, contract, hospital
17 service corporation contract, hospital and medical service corporation
18 contract, fraternal benefit society or health maintenance organization
19 which provides coverage for accident and health services and which
20 provides coverage with respect to autism spectrum disorder shall:

21 (1) Impose on the coverage required by this section any dollar limits,
22 deductibles or coinsurance provisions that are less favorable to an insured
23 than the dollar limits, deductibles or coinsurance provisions that apply to
24 physical illness generally under the accident and sickness insurance policy;
25 or

26 (2) impose on the coverage required by this section any limit upon the
27 number of visits that a covered individual may make for treatment of
28 autism spectrum disorder.

29 (e) The provisions of this section shall not apply to any policy or
30 certificate which provides coverage for any specified disease, specified
31 accident or accident-only coverage, credit, dental, disability income,
32 hospital indemnity, long-term care insurance as defined by K.S.A. 40-
33 2227, and amendments thereto, vision care or any other limited
34 supplemental benefit nor to any medicare supplement policy of insurance
35 as defined by the commissioner of insurance by rules and regulations, any
36 coverage issued as a supplement to liability insurance, workers'
37 compensation or similar insurance, automobile medical-payment insurance
38 or any insurance under which benefits are payable with or without regard
39 to fault, whether written on a group, blanket or individual basis.

40 (f) This section shall not be construed as limiting benefits that are
41 otherwise available to an individual under any individual or group health
42 insurance policy, medical service plan, contract, hospital service
43 corporation contract, hospital and medical service corporation contract,

1 fraternal benefit society or health maintenance organization which
2 provides coverage for accident and health services.

3 (g) The provisions of K.S.A. 40-2249a, and amendments thereto,
4 shall not apply to the provisions of this section.

5 (h) The commissioner of the department of insurance shall grant a
6 small employer with a group health benefit plan a waiver from the
7 provisions of this section, if the small employer demonstrates to the
8 commissioner by actual claims experience over any consecutive twelve-
9 month period that compliance with this section has increased the cost of
10 the health insurance policy by an amount of two and a half percent or
11 greater over the period of a calendar year in premium costs to the small
12 employer.

13 (i) Nothing contained in this section shall require coverage for or
14 payment of full or partial day care or habilitation services, community
15 support services, services at intermediate care facilities, school-based
16 rehabilitative services or overnight, boarding and extended stay services at
17 facilities for autism patients. Only services actually rendered on an hourly
18 basis or fractional portion thereof by certified applied behavior analysis
19 (ABA) providers as herein defined shall be required to be covered under
20 this section. Nothing in this section shall require coverage or payment
21 hereunder for services that are otherwise provided, authorized or required
22 to be provided by public or private schools receiving any state or federal
23 funding for such services.

24 New Sec. 2. Sections 2 through 6, and amendments thereto, shall be
25 known and may be cited as the applied behavior analysis licensure act.

26 New Sec. 3. For the purposes of this act:

27 (a) "Applied behavior analysis" means the design, implementation
28 and evaluation of environmental modifications, using behavioral stimuli
29 and consequences, to produce socially significant improvement in human
30 behavior, including the use of direct observation, measurement and
31 functional analysis of the relationship between environment and behavior;

32 (b) "autism service provider" means any person:

33 (1) That provides diagnostic or treatment services for autism
34 spectrum disorders who is licensed or certified by the state of Kansas; or

35 (2) who is licensed by the behavioral sciences regulatory board as a
36 licensed behavior analyst or a licensed assistant behavior analyst;

37 (c) "autism spectrum disorder" has the meaning ascribed to such term
38 by section 1, and amendments thereto.

39 (d) "board" means the behavioral sciences regulatory board created
40 under K.S.A. 74-7501, and amendments thereto;

41 (e) "certifying entity" means the national accredited behavior analyst
42 certification board or other equivalent nationally accredited
43 nongovernmental agency approved by the behavioral sciences regulatory

1 board which certifies individuals who have completed academic,
2 examination, training and supervision requirements in applied behavior
3 analysis;

4 (f) "controlled substance" means any drug, substance or immediate
5 precursor included in any of the schedules designated in K.S.A. 65-4105,
6 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto;

7 (g) "diagnosis of autism spectrum disorders" means any medically
8 necessary assessments, evaluations or tests in order to diagnose whether an
9 individual has an autism spectrum disorder;

10 (h) "licensed assistant behavior analyst" or "LaBA" means an
11 individual who is certified by the certifying entity as a certified assistant
12 behavior analyst and meets the licensing criteria as established by the
13 board by rules and regulations;

14 (i) "licensed behavior analyst" or "LBA" means an individual who is
15 certified by the certifying entity as a certified behavior analyst and meets
16 the licensing criteria as established by the board by rules and regulations;

17 (j) "line therapist" means an individual who:

18 (1) Provides supervision of an individual diagnosed with autism
19 spectrum disorder and other neurodevelopmental disorders pursuant to the
20 prescribed treatment plan; and

21 (2) implements specific behavioral interventions as outlined in the
22 prescribed treatment plan under the direct supervision of a licensed
23 behavior analyst; and

24 (k) "treatment for autism spectrum disorder" means care prescribed or
25 ordered for an individual diagnosed with an autism spectrum disorder by a
26 licensed physician or licensed psychologist, including equipment
27 medically necessary for such care, pursuant to the powers granted under
28 such licensed physician's or licensed psychologist's license.

29 New Sec. 4. (a) On or after ~~January~~ **July** 1, 2016, no person shall
30 practice applied behavior analysis in this state unless they are:

31 (1) Licensed behavior analysts;

32 (2) licensed assistant behavior analysts working under the supervision
33 of a licensed behavior analyst;

34 (3) an individual who has a bachelor's or graduate degree and
35 completed course work for licensure as a behavior analyst and is obtaining
36 supervised field experience under a licensed behavior analyst pursuant to
37 required supervised work experience for licensure at the behavior analyst
38 or assistant behavior analyst level; or

39 (4) licensed psychologists practicing within the rules and standards of
40 practice for psychologists in the state of Kansas and whose practice is
41 commensurate with their level of training and experience.

42 (b) The licensing requirements of subsection (a) shall not apply to
43 any person:

1 (1) Licensed by the board who practices any component of applied
2 behavior analysis within the scope of such person's license and scope of
3 practice as required by law;

4 (2) who provides services under the individuals with disabilities
5 education act (IDEA), 20 U.S.C. § 1400 et seq.;

6 (3) who provides services under § 504 of the federal rehabilitation act
7 of 1973, 20 U.S.C. § 794; ~~or~~

8 (4) is enrolled in a course of study at a recognized educational
9 institution through which such person provides applied behavior analysis
10 as part of supervised clinical experience;

11 **(5) who is an autism specialist, an intensive individual service**
12 **provider or any other individual qualified to provide services under**
13 **the home and community based services autism waiver administered**
14 **by the Kansas department for aging and disability services; or**

15 **(6) who is an occupational therapist licensed by the state board of**
16 **healing arts, acting within the scope of such person's license and scope**
17 **of practice as required by law.**

18 (c) The board shall not issue a license under this act until the license
19 applicant provides proof that such applicant has met the certification
20 requirements of a certifying entity.

21 New Sec. 5. (a) The board may deny, suspend, revoke or refuse
22 renewal of any license issued under this act if the board finds that the
23 applicant or license holder has:

24 (1) Used any controlled substance or alcoholic beverage to an extent
25 that such use impairs such person's ability to perform the work of any
26 profession licensed or regulated by this act.

27 (2) The person has been finally adjudicated and found guilty, or
28 entered a plea of guilty or nolo contendere, in a criminal prosecution under
29 the laws of any state or of the United States, for any offense reasonably
30 related to the qualifications, functions or duties of any professional
31 licensed or regulated under this act, for any offense an essential element of
32 which is fraud, dishonesty or an act of violence, or for any offense
33 involving moral turpitude, whether or not a sentence is imposed.

34 (3) Used any fraud, deception or misrepresentation in securing any
35 license issued under this act.

36 (4) Obtained or attempted to obtain any fee, charge, tuition or other
37 compensation by fraud, deception or misrepresentation.

38 (5) Committed any act of incompetency, misconduct, gross
39 negligence, fraud, misrepresentation or dishonesty in the performance of
40 the functions or duties of any profession licensed by the board.

41 (6) Committed any violation of or assisted or enabled any person to
42 violate any provision of this act or any rule and regulation promulgated
43 thereunder.

1 (7) Impersonated any person holding a certificate of registration or
2 authority, permit or license or allowed any other person to use such
3 person's certificate of registration or authority, permit, license or diploma
4 from any school.

5 (8) Been disciplined in any action by another state, territory, federal
6 agency or country which would constitute grounds for a license issued
7 under this act being suspended or revoked.

8 (9) Been finally adjudged insane or incapacitated by a court of
9 competent jurisdiction.

10 (10) Assisted or enabled any person to practice or offer to practice
11 any profession licensed or regulated by the board when such person is not
12 eligible to practice such profession as required by law.

13 (11) Issued any certificate of registration or authority, permit or
14 license based upon a material mistake of fact.

15 (12) Failed to display a valid certificate or license if so required by
16 this act or any rules and regulations promulgated thereunder.

17 (13) Violated any professional trust or confidence.

18 (14) Used any advertisement or solicitation which is false, misleading
19 or deceptive to the general public or persons to whom the advertisement or
20 solicitation is primarily directed.

21 (15) Been found guilty of unprofessional conduct or professional
22 incompetency as defined by the board by rules and regulations.

23 (b) Any action taken under this section which affects any license or
24 imposes any administrative penalty shall be taken only after notice and an
25 opportunity for a hearing conducted in accordance with the provisions of
26 the Kansas administrative procedure act.

27 New Sec. 6. The board shall promulgate rules and regulations
28 necessary to implement and administer this act. Such rules and regulations
29 shall include, but not be limited to:

30 (a) The form and content of license applications required and the
31 procedures for filing an application for an initial or renewal license in this
32 state;

33 (b) the establishment of fees for licenses, and the renewal thereof, to
34 cover all or any part of the cost of administering the provisions of this act;

35 (c) the educational and training requirements for licensed behavior
36 analysts and licensed assistant behavior analysts;

37 (d) the roles, responsibilities and duties of licensed behavior analysts
38 and licensed assistant behavior analysts;

39 (e) the characteristics of supervision and supervised clinical
40 practicum experience for the licensed behavior analysts and the licensed
41 assistant behavior analysts;

42 (f) the supervision of licensed behavior analysts and licensed assistant
43 behavior analysts;

1 (g) the requirements for continuing education for licensed behavior
2 analysts and licensed assistant behavior analysts;

3 (h) standards of professional competency;

4 (i) standards of professional conduct; and

5 (j) such other rules and regulations as the board deems necessary to
6 carry out the provisions of this act.

7 Sec. 7. K.S.A. 2013 Supp. 40-2,103 is hereby amended to read as
8 follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-
9 2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170,
10 inclusive, 40-2250, K.S.A. 2013 Supp. 40-2,105a, 40-2,105b, 40-2,184
11 ~~and~~, 40-2,190 *and section 1*, and amendments thereto, shall apply to all
12 insurance policies, subscriber contracts or certificates of insurance
13 delivered, renewed or issued for delivery within or outside of this state or
14 used within this state by or for an individual who resides or is employed in
15 this state.

16 Sec. 8. K.S.A. 2013 Supp. 40-19c09 is hereby amended to read as
17 follows: 40-19c09.(a) Corporations organized under the nonprofit medical
18 and hospital service corporation act shall be subject to the provisions of
19 the Kansas general corporation code, articles 60 to 74, inclusive, of
20 chapter 17 of the Kansas Statutes Annotated, and amendments thereto,
21 applicable to nonprofit corporations, to the provisions of K.S.A. 40-214,
22 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-229,
23 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250,
24 40-251, 40-252, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-
25 2,105, 40-2,116, 40-2,117, 40-2,125, 40-2,153, 40-2,154, 40-2,160, 40-
26 2,161, 40-2,163 through 40-2,170, inclusive, 40-2a01 et seq., 40-2111 to
27 40-2116, inclusive, 40-2215 to 40-2220, inclusive, 40-2221a, 40-2221b,
28 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-
29 2421, inclusive, and 40-3301 to 40-3313, inclusive, K.S.A. 2013 Supp. 40-
30 2,105a, 40-2,105b, 40-2,184 ~~and~~, 40-2,190 *and section 1*, and amendments
31 thereto, except as the context otherwise requires, and shall not be subject
32 to any other provisions of the insurance code except as expressly provided
33 in this act.

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

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

41 Sec. 9. K.S.A. 2013 Supp. 40-2,103 and 40-19c09 are hereby
42 repealed.

43 Sec. 10. This act shall take effect and be in force from and after its

- 1 publication in the statute book.