

## HOUSE BILL No. 2889

By Committee on Insurance

2-13

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9 AN ACT concerning utilization review; pertaining to standards for denial  
10 of coverage.

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

13 Section 1. (a) Whenever an insurer, or the insurer's utilization review  
14 organization, makes a utilization review of health care services provided  
15 to an insured by a health care provider, the insurer shall not deny coverage  
16 on the basis that such health care services are not medically necessary  
17 when the health care services provided meet universally accepted stan-  
18 dards of care.

19 (b) Whenever an insurer, or the insurer's utilization review organi-  
20 zation, makes a utilization review of health care services provided to an  
21 insured by a health care provider, the insurer shall not deny coverage on  
22 the basis that such health care services are based on an experimental or  
23 investigational procedure if:

24 (1) The insurer previously has provided coverage for such procedure;  
25 or

26 (2) the standard of care involved has been validated by a preponder-  
27 ance of the information available on such procedure.

28 (c) Whenever an insurer, or the insurer's utilization review organi-  
29 zation, makes a utilization review of health care services provided to an  
30 insured by a health care provider and denies coverage on the basis that  
31 such health care services are not medically necessary, the insurer's health  
32 insurance plan or utilization review organization shall provide the insured  
33 a written decision setting forth the relevant facts and conclusions sup-  
34 porting its decision.

35 (d) For the purposes of this section:

36 (1) "Health insurance plan" shall have the meaning ascribed to it in  
37 K.S.A. 40-22a13 and amendments thereto.

38 (2) "Insured" shall have the meaning ascribed to it in K.S.A. 40-22a13  
39 and amendments thereto.

40 (3) "Insurer" shall have the meaning ascribed to it in K.S.A. 40-22a13  
41 and amendments thereto.

42 (e) This section shall be a part of and supplemental to the utilization  
43 review act.

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