

HOUSE BILL No. 2142

By Committee on K-12 Education Budget

1-24

1 AN ACT concerning school districts; establishing an employee health care
2 benefits program.

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

5 Section 1. (a) Within the limits of appropriations made or available
6 therefor and subject to the provisions of appropriation acts relating thereto,
7 the Kansas state employees health care commission shall develop and
8 provide for the implementation and administration of a unified school
9 district employee health care benefits program.

10 (b) (1) Subject to the provisions of paragraph (2), the unified school
11 district employee health care benefits program may provide benefits for
12 persons qualified to participate in the program for hospitalization, medical
13 services, surgical services, nonmedical remedial care and treatment
14 rendered in accordance with a religious method of healing and other health
15 services. The program may include such provisions as are established by
16 the Kansas state employees health care commission, including, but not
17 limited to, qualifications for benefits, services covered, schedules and
18 graduation of benefits, conversion privileges, deductible amounts,
19 limitations on eligibility for benefits by reason of termination of
20 employment or other change of status, leaves of absence, military service
21 or other interruptions in service and other reasonable provisions as may be
22 established by the commission.

23 (2) The unified school district employee health care benefits program
24 shall provide the benefits and services required by K.S.A. 2016 Supp. 75-
25 6524, and amendments thereto.

26 (c) The Kansas state employees health care commission shall
27 designate by rules and regulations those persons who are qualified to
28 participate in the unified school district employee health care benefits
29 program, including active and retired school district employees and their
30 dependents as defined by rules and regulations of the commission. In
31 designating persons qualified to participate in the unified school district
32 employee health care benefits program, the commission may establish
33 such conditions, restrictions, limitations and exclusions as the commission
34 deems reasonable.

35 (d) (1) For the health plan coverage year commencing January 1,
36 2019, and each year thereafter, all employees of each school district and

1 dependents of such employees shall be qualified to participate in the
2 unified school district employee health care benefits program. Such
3 employees and dependents shall be eligible to only elect a high-deductible
4 health plan and health savings account under the state health care benefits
5 program.

6 (2) If the employee had not previously participated in the unified
7 school district employee health care benefits program, the employer shall
8 calculate the average savings to the employer of the high deductible plan
9 compared to the previous health benefit plans and contribute that amount
10 monthly to the employee's health savings account up to the maximum
11 annual amount allowed pursuant to 26 U.S.C. § 223(d), as amended.

12 (3) The employer shall allow additional voluntary contributions by
13 the employee to their health savings account by payroll deduction up to the
14 maximum annual amount allowed pursuant to 26 U.S.C. § 223(d), as
15 amended.

16 (e) For the health plan coverage year commencing January 1, 2019,
17 and each year thereafter, no school district shall offer or enter into any
18 contract for the provision of any health plan in lieu of a high-deductible
19 health plan and health savings account under the unified school district
20 employee health care benefits program. A school district may offer or enter
21 into a contract for the provision of supplemental health coverage in
22 addition to a plan offered under the unified school district employee health
23 care benefits program. An employee shall be eligible to elect such
24 supplemental health coverage only if the employee also elects a high-
25 deductible health plan and health savings account under the unified school
26 district employee health care benefits program.

27 (f) As used in this section, the term "school district" means a unified
28 school district organized and operated under the laws of this state.

29 Sec. 2. (a) The same powers, duties and functions granted to the
30 Kansas state employees health care commission for the development and
31 implementation of the state health care benefits program under K.S.A. 75-
32 6504 and 75-6510, and amendments thereto, are hereby granted to the
33 commission for the development and implementation of the unified school
34 district employee health care benefits program.

35 (b) The same powers, duties and functions of the technical
36 administrator for the state health care benefits program as provided by
37 K.S.A. 75-6503, and amendments thereto, are hereby granted to the
38 technical administrator for the unified school district employee health care
39 benefits program.

40 Sec. 3. The Kansas state employees health care commission, in
41 accordance with the provisions of K.S.A. 75-6504, and amendments
42 thereto, may contract to provide health care services of a health
43 maintenance organization for persons qualified to participate in the unified

1 school district employee health care benefits program. The contract shall
2 provide that coverage under the contract is applicable to those persons
3 qualified to participate in the unified school district employee health care
4 benefits program as the commission determines feasible. This coverage
5 may be available to such qualified persons as an alternative to other
6 benefits under the unified school district employee health care benefits
7 program or may be part of the benefits provided to such persons under the
8 program. The contract may include services for spouses and dependents of
9 members at rates established in accordance with such contract. A contract
10 to provide health care services of a health maintenance organization under
11 this section shall be construed to be part of the unified school district
12 employee health care benefits program.

13 Sec. 4. (a) The participation of a person qualified to participate in the
14 unified school district employee health care benefits program shall be
15 voluntary, and the cost of the unified school district employee health care
16 benefits program for such person shall be established by the Kansas state
17 employees health care commission.

18 (b) Periodic deductions from school district payrolls may be made in
19 accordance with procedures prescribed by the state board of education to
20 cover the costs of the unified school district employee health care benefits
21 program payable by persons who are on the school district payroll when
22 authorized by such persons. All such moneys deducted from payrolls shall
23 be remitted to the Kansas state employees health care commission in
24 accordance with rules and regulations adopted by the commission.

25 Sec. 5. (a) Each school district that has on its payroll persons
26 participating in the unified school district employee health care benefits
27 program shall pay from any moneys available to the school district for
28 such purpose an amount specified by the Kansas state employees health
29 care commission. All such payments shall continue on the behalf of
30 employees otherwise eligible for participation in the unified school district
31 employee health care benefits program in accordance with the continuation
32 provisions of the federal family and medical leave act of 1993, P.L. 103-
33 03, 107 Stat. 6. The commission may charge each school district a uniform
34 amount per person as the cost to the school district for the school district's
35 contribution for persons participating in the unified school district
36 employee health care benefits program. Such amounts may include the pro
37 rata costs of administering the program.

38 (b) Payments from public funds for coverage under the unified school
39 district employee health care benefits program for persons participating in
40 that program shall not be deemed a payment or supplement of wages of
41 such person, notwithstanding any other provision of law or rules and
42 regulations relating to wages of any such person.

43 Sec. 6. (a) Except as provided in subsection (b), the director of

1 accounts and reports shall make periodic deductions from state retirement
2 or other benefit payments to retired school district employees and other
3 persons who are qualified to participate in the unified school district
4 employee health care benefits program for the costs of the unified school
5 district employee health care benefits program that are payable by such
6 retired school district employees and other persons.

7 (b) No deductions shall be made under this section in cases: (1)
8 Where the retired school district employee or other person submits a
9 written request in accordance with procedures prescribed by the
10 commission that the deductions not be made; or (2) where the commission
11 has directed that the deductions not be made.

12 (c) No deductions made under this section shall be construed to be an
13 assignment of any annuity, benefits, funds, property or rights of any person
14 under K.S.A. 20-2618, 74-4923 or 74-49,105, and amendments thereto.

15 Sec. 7. This act shall take effect and be in force from and after its
16 publication in the statute book.