



KANSAS  
INSURANCE  
DEPARTMENT

Vicki Schmidt, Commissioner

---

## Advisory Guidance Memorandum

TO: All Insurers and Entities Writing Vision Care Insurance in Kansas

FROM: Vicki Schmidt, Commissioner of Insurance

SUBJECT: Vision Care Services Act, K.S.A. 40-5901 *et seq.*

Date: August 24, 2021

The purpose of this advisory guidance memorandum is to call attention to the requirements found in K.S.A. 40-5901 *et seq.* and to assist you in compliance with the Vision Care Services Act which has been in effect since 2014.

The Kansas Insurance Department (“Department”) highlights the following as a reminder regarding compliance with the Vision Care Services Act (“VCSA”) for vision care insurance policies covered by the VCSA:

- **No contract issued or renewed shall contain any provisions which requires the vision care provider to participate in a vision care insurance or a vision care discount plan as a condition to participate in any other health benefit plan or vision care plan, regardless of whether such vision care plan is a plan of insurance or a vision care discount program which is not an insurance plan.**
- **Contracts shall not require a vision care provider to provide services or materials to an insured at a fee limited or set by such vision care insurance plan or health benefit plan unless the services or materials are reimbursed as covered services under the contract.**
- **No vision care insurance policy shall change the terms, discounts or rates provided therein without the concurrence and agreement at that time of such change by the vision care provider.**

- **No vision care insurance policy that provides covered services for materials shall have the effect, directly or indirectly, of limiting the choice of sources and suppliers of materials by a patient of a vision care provider.**

While the Kansas Insurance Department generally does not have regulatory authority over provider contracts and does not review such contracts, K.S.A. 40-5906 requires the Commissioner of Insurance to administer the provisions of the VCSA, including those provisions that impact contracts between insurers and providers.

The Department continues to receive information from the vision care services provider community and insurers regarding application of the VCSA in practice. Upon a valid complaint, the Department will exercise its authority to enforce the VCSA.

Pursuant to K.S.A. 40-2,125 if the Commissioner determines after notice and opportunity for a hearing that any person has engaged or is engaging in any act or practice constituting a violation of any provision of Kansas insurance statutes or any rule and regulation or order the Commissioner may in the exercise of discretion, order payment of a monetary penalty of not more than \$1000 for each and every act or violation, unless the person knew or reasonably should have known such person was in violation of the statute, rule, regulation or order, in which case the penalty shall be not more than \$2000 for each and every act or violation.

Questions about the requirements stated in this advisory guidance memorandum should be addressed to Julie Holmes, Kansas Insurance Department, 1300 SW Arrowhead Road, Topeka, Kansas 66604, by phone at 785-296-6410, or by email at [Julie.Holmes@ks.gov](mailto:Julie.Holmes@ks.gov) .