

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1715

5 By: Representative J. Mayberry
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For An Act To Be Entitled

8 AN ACT TO REVISE HEALTH INSURANCE COVERAGE FOR
9 MEDICALLY NECESSARY FOODS; AND FOR OTHER PURPOSES.
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Subtitle

11 TO REVISE HEALTH INSURANCE COVERAGE FOR
12 MEDICALLY NECESSARY FOODS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 23-79-703 is amended to read as follows:

20 23-79-703. Health insurance coverage for medically necessary foods ==

21 Definition.

22 (a) As used in this section, "medical disorders requiring specialized
23 nutrients or formulas" means an allergic reaction, discomfort, or failure to
24 metabolize select nutrients due to:

25 (1) Inherited metabolic disorders including:

26 (A) Disorders of amino acid metabolism;

27 (B) Disorders of carbohydrate metabolism;

28 (C) Disorders of lipid metabolism; or

29 (D) Disorders of nitrogen metabolism;

30 (2) Disorders that require modified vitamin or mineral
31 composition;

32 (3) An Immunoglobulin E and non-Immunoglobulin E mediated
33 allergy to multiple food proteins;

34 (4) Food protein induced enterocolitis syndrome;

35 (5) An eosinophilic disorder; and

36 (6) Impaired absorption of nutrients caused by a disorder



1 affecting the absorptive surface, functional length, or motility of the
 2 gastrointestinal tract.

3 (b)(1)(A) All A health plans plan issued, delivered, amended, or
 4 modified in this state ~~on or~~ after January 1, 2000 2016, shall provide the
 5 minimum benefits set out in subsection (b) under subsection (c) of this
 6 section for medical foods, including without limitation and low protein
 7 modified food products, amino-acid-based elemental formulas, extensively
 8 hydrolyzed protein formulas, formulas with modified vitamin or mineral
 9 content, and modified nutrient content formulas.

10 (B) The products described in subdivision (b)(1)(A) of
 11 this section shall be covered by a health plan regardless of delivery method,
 12 whether enteral or oral, or sole source or supplemental, or the age of the
 13 covered person, for the treatment of a covered person ~~inflicted with~~
 14 phenylketonuria, galactosemia, organic acidemias, and disorders of amino acid
 15 metabolism with a medical disorder that requires specialized food or formula
 16 if:

17 (1) Either of the following occurs:

18 (A) The medical food ~~or low protein modified food~~
 19 products, regardless of delivery method, are is prescribed as medically
 20 necessary; or

21 (B) A licensed healthcare practitioner issues a written
 22 order stating that a medical food is medically necessary for the therapeutic
 23 treatment of phenylketonuria, galactosemia, organic acidemias, and disorders
 24 of amino acid metabolism a medical disorder requiring specialized food or
 25 formula as described in subdivision (b)(1)(A) of this section; and

26 (2) The ~~products are~~ product is administered under the direction
 27 of a ~~physician~~ licensed healthcare practitioner under § 17-95-401 et seq.†
 28 and

29 (3) ~~The cost of the medical food or low protein modified food~~
 30 products for an individual or a family with a dependent person or persons
 31 exceeds the income tax credit of two thousand four hundred dollars (\$2,400)
 32 per year per person allowed under § 23-79-702.

33 (b)(1) ~~Every health insurance policy, contract, certificate, or~~
 34 healthcare plan issued in this state by an insurance company, hospital
 35 medical service corporation, or health maintenance organization, other than
 36 coverage limited to expenses from accident only, specified disease, hospital

1 ~~indemnity, Medicare supplement, long term care, disability income, or other~~
 2 ~~limited benefit health insurance policies, whether an individual or group~~
 3 ~~policy, contract, certificate, or healthcare plan, that covers the insured~~
 4 ~~and members of the insured's family shall provide coverage for amino acid~~
 5 ~~modified preparations, low protein modified food products, and any other~~
 6 ~~special dietary products and formulas prescribed under the direction of a~~
 7 ~~physician for the therapeutic treatment of phenylketonuria, galactosemia,~~
 8 ~~organic acidemias, and disorders of amino acid metabolism.~~

9 (c)(1) A health insurance policy, contract, certificate, or healthcare
 10 plan issued in this state by an insurance company, hospital medical service
 11 corporation, health maintenance organization, or a self-funded or self-
 12 insured governmental plan, whether an individual or group policy, contract,
 13 certificate, or healthcare plan, that covers the insured and the insured's
 14 family shall provide coverage and reimbursement for the treatment of a
 15 medical disorder requiring specialized formula or food as prescribed by a
 16 licensed healthcare practitioner, regardless of delivery method.

17 (2) Coverage limited to expenses from an accident only,
 18 specified disease, hospital indemnity, Medicare supplement, long-term care,
 19 disability income, or other limited benefit health insurance policy or plan
 20 is exempt from the requirement of subdivision (c)(1) of this section.

21 ~~(2)(3) This benefit~~ The benefit provided under subdivision
 22 (c)(1) of this section may be subject to a deductible, copayments,
 23 coinsurance, or other patient cost-sharing amounts required by the health
 24 plan.

25 ~~(e)(d) If the cost of the medical food or low protein modified~~ medical
 26 food products described in subdivision (b)(1)(A) for an individual or a
 27 family with a dependent child or children a covered person exceeds the income
 28 tax credit of two thousand four hundred dollars (\$2,400) per year per ~~child~~
 29 covered person allowed under § 23-79-702 and the ~~individual or a family with~~
 30 ~~a dependent child or children~~ covered person has been denied accident and
 31 health insurance or coverage for ~~phenylketonuria, galactosemia, organic~~
 32 ~~acidemias, and disorders of amino acid metabolism~~ treatment of a medical
 33 disorder requiring specialized food or formula as described in subdivision
 34 (b)(1)(A) of this section or cannot afford insurance coverage for
 35 ~~phenylketonuria, galactosemia, organic acidemias, and disorders of amino acid~~
 36 ~~metabolism~~ treatment of a medical disorder requiring specialized food or

1 formula as described in subdivision (b)(1)(A) of this section, the Department
2 of Health shall reimburse the provider up to one thousand dollars (\$1,000)
3 per ~~individual~~ covered person from any funds appropriated ~~therefor~~ for the
4 required healthcare service, including screening, diagnostic, and treatment
5 services.

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