

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1436 Session of 2013

INTRODUCED BY TRUITT, PAINTER, YOUNGBLOOD, BARRAR, BISHOP, MILLARD, ROZZI, SCHLOSSBERG, V. BROWN, BROOKS, SABATINA, HEFFLEY, WATSON, MURT, GINGRICH, BRADFORD, D. MILLER, BROWNLEE AND TOOHIL, MAY 23, 2013

SENATOR WHITE, BANKING AND INSURANCE, IN SENATE, AS AMENDED, OCTOBER 6, 2014

AN ACT

1 Amending the act of December 20, 1996 (P.L.1492, No.191),
2 entitled "An act providing for certain health insurance
3 policies to cover the cost of formulas necessary for the
4 treatment of phenylketonuria and related disorders," amending
5 the title of the act; and further providing for medical foods
6 insurance coverage and, for cost-sharing provisions, FOR <--
7 REGULATIONS AND FOR APPLICABILITY.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 ~~Section 1. The title and sections 4 and 6 of the act of <--
11 December 20, 1996 (P.L.1492, No.191), known as the Medical Foods-
12 Insurance Coverage Act, are amended to read:~~

13 SECTION 1. THE TITLE AND SECTIONS 4, 6, 8 AND 9 OF THE ACT <--
14 OF DECEMBER 20, 1996 (P.L.1492, NO.191), KNOWN AS THE MEDICAL
15 FOODS INSURANCE COVERAGE ACT, ARE AMENDED TO READ:

AN ACT

17 Providing for certain health insurance policies to cover the
18 cost of formulas necessary for the treatment of

1 phenylketonuria and [related] other disorders.

2 Section 4. Medical foods insurance coverage.

3 (a) Nutritional supplements.--Except as provided in section
4 7, any health insurance policy which is delivered, issued for
5 delivery, renewed, extended or modified in this Commonwealth by
6 any health care insurer shall provide that the health insurance
7 benefits applicable under the policy include coverage for the
8 cost of nutritional supplements (formulas) as medically
9 necessary for the therapeutic treatment of phenylketonuria,
10 branched-chain ketonuria, galactosemia and homocystinuria as
11 administered under the direction of a physician.

12 (b) Amino acid-based elemental medical formula.--Except as
13 provided in section 7, any health insurance policy which is
14 delivered, issued for delivery, renewed, extended or modified in
15 this Commonwealth by any health care insurer shall provide that
16 the health insurance benefits applicable under the policy
17 include coverage for infants and children for the USUAL AND <--
18 CUSTOMARY cost of amino acid-based elemental medical formula
19 ~~prescribed~~ ORDERED by a physician AS MEDICALLY NECESSARY and <--
20 administered orally or enterally for ~~IgE and non-IgE mediated~~ <--
21 food protein allergies, food protein-induced enterocolitis
22 syndrome, eosinophilic disorders and short-bowel syndrome. AN <--
23 AMINO ACID-BASED ELEMENTAL FORMULA COVERED UNDER THIS SECTION IS
24 A FORMULA MADE OF 100% FREE AMINO ACIDS AS THE PROTEIN SOURCE.

25 Section 6. Cost-sharing provisions.

26 (a) Applicability.--Benefits for nutritional supplements
27 (formulas) as medically necessary for the therapeutic treatment
28 of phenylketonuria, branched-chain ketonuria, galactosemia and
29 homocystinuria as administered under the direction of a
30 physician shall be subject to copayment and coinsurance

1 provisions of a health insurance policy to the extent that other
2 medical services covered by the policy are subject to those
3 provisions.

4 (a.1) Amino acid-based elemental medical formula.--Benefits
5 for amino acid-based elemental medical formula ~~prescribed~~ <--
6 ORDERED by a physician AS MEDICALLY NECESSARY for ~~IgE and non~~ <--
7 ~~IgE mediated~~ food protein allergies, food protein-induced
8 enterocolitis syndrome, eosinophilic disorders and short-bowel
9 syndrome shall be subject to copayment and coinsurance
10 provisions of a health insurance policy to the extent that other
11 medical services covered by the policy are subject to those
12 provisions.

13 (b) Exemption.--Benefits for nutritional supplements
14 (formulas) as medically necessary for the therapeutic treatment
15 of phenylketonuria, branched-chain ketonuria, galactosemia and
16 homocystinuria as administered under the direction of a
17 physician shall be exempt from deductible provisions in a health
18 insurance policy. This exemption must be explicitly provided for
19 in the policy.

20 SECTION 8. REGULATIONS. <--

21 THE DEPARTMENT OF HEALTH AND THE INSURANCE DEPARTMENT [SHALL]
22 MAY PROMULGATE REGULATIONS AS NECESSARY AND APPROPRIATE TO
23 IMPLEMENT THIS ACT.

24 SECTION 9. APPLICABILITY.

25 [THIS ACT SHALL APPLY TO ALL INSURANCE POLICIES, SUBSCRIBER
26 CONTRACTS AND GROUP INSURANCE CERTIFICATES ISSUED UNDER ANY
27 GROUP MASTER POLICY DELIVERED OR ISSUED FOR DELIVERY ON OR AFTER
28 THE EFFECTIVE DATE OF THIS ACT. THIS ACT SHALL ALSO APPLY TO ALL
29 RENEWALS OF CONTRACTS ON ANY RENEWAL DATE WHICH IS ON OR AFTER
30 THE EFFECTIVE DATE OF THIS ACT.] THIS ACT SHALL APPLY AS

1 FOLLOWS:

2 (1) FOR HEALTH INSURANCE POLICIES FOR WHICH EITHER RATES
3 OR FORMS ARE REQUIRED TO BE FILED WITH THE INSURANCE
4 DEPARTMENT OR THE FEDERAL GOVERNMENT, THIS ACT SHALL APPLY TO
5 ANY POLICY FOR WHICH A FORM OR RATE IS FIRST FILED ON OR
6 AFTER THE EFFECTIVE DATE OF THIS SECTION.

7 (2) FOR HEALTH INSURANCE POLICIES FOR WHICH NEITHER
8 RATES NOR FORMS ARE REQUIRED TO BE FILED WITH THE INSURANCE
9 DEPARTMENT OR THE FEDERAL GOVERNMENT, THIS ACT SHALL APPLY TO
10 ANY POLICY ISSUED OR RENEWED ON OR AFTER 180 DAYS AFTER THE
11 EFFECTIVE DATE OF THIS SECTION.

12 Section 2. This act shall take effect in 180 days.